

Trump's TPS Cancellation For Hondurans Challenged In Court

A group of immigrants and nonprofits challenged the Trump administration's recent decision to cancel temporary protected status for Honduran immigrants living in the U.S., arguing in an amended complaint filed on Wednesday in Massachusetts federal court that the termination is discriminatory and unconstitutional. [Read more »](#)

Sens. Question End Of Haitian Deportation Protections

A dozen Democratic lawmakers have called on the heads of the Department of Homeland Security and U.S. Citizenship and Immigration Services to provide details behind the reason to terminate a deportation protection program for Haitian immigrants, citing a report they say shows political bias may have been a factor. [Read more »](#)

Immigration Bill Roundup: Afghan Visas, Funding For Judges

Members of the 115th Congress have introduced bills that would add funding for additional immigration judges and call for more visas for Afghans who have assisted the American government's efforts in their country. [Read more »](#)

NATIVE AMERICAN

DOI Nominee Talks Tribal Consultation, BIA Turmoil At Hearing

The Trump administration's nominee to serve as assistant secretary for Indian Affairs within the U.S. Department of Interior told a Senate committee Wednesday that her work would be guided by tribal interests and that she will take steps to tackle staffing concerns within the agency. [Read more »](#)

Indian Trader Regs, Coal Valuation Up Next On Trump Agenda

The Trump administration is preparing to propose new rules for those doing business on Native American tribal lands and for Indian coal valuation, among other regulatory initiatives impacting Indian Country, the White House said Wednesday. [Read more »](#)

Bipartisan CROPS Bill Gives Tribes More Say On USDA Funds

The leaders of the U.S. Senate Committee on Indian Affairs introduced a bipartisan bill Tuesday during Congress' ongoing Farm Bill 2018 talks, proposing to let Native American tribes exercise greater self-governance in Indian country when tapping more than \$150 million in funded U.S. Department of Agriculture programs. [Read more »](#)

TELECOMMUNICATIONS

Reps Demand FCC's Pai Answer For 'Faulty' Broadband Data

Two leading House Democrats demanded answers from Federal Communications Commission chairman Ajit Pai about broadband infrastructure deployment maps widely considered to dramatically overstate coverage, which the lawmakers say critically undermines December's order repealing net neutrality. [Read more »](#)

TechFreedom Adds Space Law Expert As GC

TechFreedom has appointed its first general counsel, a former senior adjunct fellow at the technology think tank who has years of expertise as a technology attorney and as a pioneer in the practice of international space law, according to a Wednesday statement. [Read more »](#)

Cuomo Atty Slams Vance's 'Absurd' Bid For Former AG Case

Alphonso David, counsel to New York Gov. Andrew Cuomo, eviscerated Manhattan District Attorney Cyrus Vance in a letter Wednesday

for suggesting he should investigate domestic violence allegations against the state's former Attorney General Eric Schneiderman, calling it "frankly absurd" to think he could investigate an office simultaneously investigating him. [Read more »](#)

PEOPLE

FTC Chief Sticks To Familiar Faces For Senior Staff Hires

Newly installed Federal Trade Commission chair Joseph Simons announced a slate of senior staff appointments Tuesday, and while the agency's three new commissioners have had little time to settle into their new digs, most of Simons' picks have deep roots at the agency. [Read more »](#)

EXPERT ANALYSIS

How Iran Deal Pullout Will Impact Cos. And Investors

President Donald Trump's highly controversial decision to reinstate U.S. sanctions against Iran represents a dramatic change in policy, with significant consequences for international business and investors. The move could quickly put companies that are subject to the laws of multiple jurisdictions in a legally untenable position, say attorneys with Ropes & Gray LLP. [Read more »](#)

8 Key Tax Provisions Of The NY State Budget

Irwin Slomka of Morrison & Foerster LLP reviews eight key tax provisions adopted by the New York state 2018-2019 Legislature in response to the Tax Cuts and Jobs Act. [Read more »](#)

SEC Proposal Strikes At The Heart Of Broker-Dealer Model

The U.S. Securities and Exchange Commission's proposed best-interest requirement for broker-dealers would likely

discourage the offering of "full-service" brokerage and encourage alternatives, such as "discount" brokerage and fee-based advisory accounts, says Steven Lofchie of Cadwalader Wickersham & Taft LLP. [Read more »](#)

Trade Association Dues: Calculating The Deduction Post-TCJA

Trade associations and businesses lost the deduction for lobbying at the local and tribal level in last year's tax overhaul. Now they need to reassess the percentage of dues members can deduct or risk proxy tax liability, says Andrew Emerson of Holland & Knight LLP. [Read more »](#)

F-1 Visa Holders Changing To H-1B Face New Risks

U.S. Citizenship and Immigration Services recently announced it will temporarily suspend premium processing for all fiscal year 2019 H-1B cap petitions. While this move affects many stakeholders, F-1 visa holders may be exposed to more collateral harm in the long run unless policy changes are made, says Xavier Francis of Erickson Immigration Group. [Read more »](#)

A General Counsel's Tips For Succeeding As A New Associate

Based on his experience as a BigLaw associate for six years and now as general counsel for a tech startup, Jason Idilbi of Passport Labs offers some best practices for newer associates — whether they are serving external clients or senior attorneys within their firms. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Hagens Berman's Steve Berman

Hagens Berman Sobol Shapiro LLP's Steve Berman helped secure a \$1.67 billion payout for dealers over Volkswagen's emissions cheating scandal and a \$209 million settlement

for student-athletes suing the NCAA over its limits on compensation for living expenses, earning him a place as one of Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Feature

How Chief Risk Officers Can Help Firms Adhere To The GDPR

As law firms increasingly operate as businesses, they face a wide range of risks and a demanding regulatory environment, and the fast-approaching European Union data protection regime is one component of the evolving landscape affecting those organizations. Here's why some law firms have hired a chief risk officer to adhere to this upcoming regulation. [Read more »](#)

Legal Tech's Diversity Gap Thwarts Access To Justice

The recent explosion in legal technology was intended to expedite delivery of legal services and yet the gap in access to justice in America remains, a shortfall that a new report says may be because of a lack of diversity among the field's leaders. [Read more »](#)

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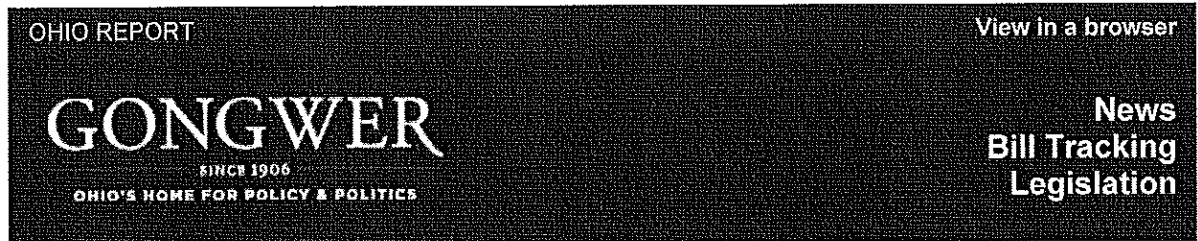
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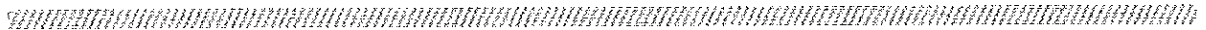
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OHIO REPORT THURSDAY, MAY 10



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Volume #87, Report #91 -- Thursday, May 10, 2018

State Auditor: ECOT Officials May Have Engaged In Criminal Activity

State Auditor Dave Yost on Thursday referred his office's audit of the Electronic Classroom of Tomorrow for potential prosecution before blasting the Department of Education's oversight of the now-shuttered e-school and calling for stricter state laws on such entities.

The auditor's report determined that ECOT failed to provide documents proving students were using their computers for educational purposes for the hours it requested payment for during the 2016-17 school year. The audit found that although the school used tracking software known as ActivTrak to record what websites and programs students were using and how long they were using them, it did not provide all of that data to ODE.

Mr. Yost also issued findings for recovery on nearly \$250,000 that ECOT-related entities spent on political advertising as the General Assembly was considering new measures to regulate charters and ODE was looking to claw back payments made to the online school.

The audit's release kicked off another round of criticism from Democrats who accused Republican leaders of failing to oversee ECOT and prompted several Republican statewide candidates to donate money their campaigns had previously received from school leaders (*See separate story*).

Mr. Yost called information garnered from ActivTrak "the smoking gun" in his office's investigation into ECOT, which ended with him referring the findings to the Franklin County Prosecutor's Office and U.S. Attorney's Office.

"For the first time, we can prove that ECOT submitted information to ODE in order to get paid that it knew to be false when it was submitted," Mr. Yost said.

After ODE requested information on student participation at the e-school, Mr. Yost said ECOT provided "meaningless and unreliable information ...that ODE inexplicably accepted." He said department officials should have pushed for more information from the school.

"I would not have accepted the watered-down, blanked-out spreadsheets that were submitted to ODE," he said.

In a statement, Mr. Yost went further to challenge the department's handling of the e-school.

"With the level of incompetence displayed by both the school and ODE, the regulator, it's amazing that any money went to education whatsoever," he said.

ODE spokeswoman Brittany Halpin in a statement pushed back against the auditor's claim that the department mishandled its oversight of ECOT.

"No one has held ECOT more accountable for the education of students than the Department of Education, and our work to return approximately \$80 million to Ohio's taxpayers continues," she said.

Ms. Halpin said department officials "repeatedly questioned and subsequently rejected portions of ECOT's data."

ECOT closed in January after the State Board of Education voted the previous summer to claw back \$60 million from the school after an audit found it over-reported its full-time enrollment for the 2015-16 school year. The panel earlier this year tacked on another \$19 million to the school's debt, claiming it again overstated enrollment for 2016-17. (See Gongwer Ohio Report, February 12, 2018)

The e-school has filed two appeals with the Ohio Supreme Court, claiming ODE and the State Board of Education acted improperly in the lead-up to its closure. (See Gongwer Ohio Report, April 16, 2018)

Along with a referral for possible prosecution, the auditor's office issued a finding for recovery of \$249,962. The amount reflects an invoice submitted to ECOT in 2017 for a political ad buy that eventually was paid by Third Wave Communications, according to the auditor's report.

Mr. Yost said Third Wave Communications shares common ownership with other ECOT-linked businesses, leading auditor's investigators to conclude it paid the invoice in order to disguise ECOT's role in purchasing the advertising, which targeted the ODE and state lawmakers.

Karl Schneider, an attorney representing Third Wave Communications, said in a statement the finding for recovery was "meritless" and the result of a political frenzy around ECOT. He said Third Wave plans to challenge the finding.

"Mile-wide, inch-deep investigations have a tendency to lead to unsubstantiated conclusions that generally fail when tested with evidence in the court system, which is the case here," he said.

The auditor said ECOT officials also declined in April to sign a routine letter stating they provided all information necessary for the completion of the audit and that they had informed auditor's investigators of any possible fraud or illegal actions.

Auditor Yost said he anticipates his office will offer legislative recommendations based on the audit of ECOT, which likely will focus on preventing conflicts of interest and

promoting transparency among e-schools and the companies that manage them. He said the legislature also should look into whether funding such schools based on the time their students spent in class makes sense.

"Online learning needs to go to a learning-based, or achievement-based funding mechanism," he said.

Senate President Larry Obhof (R-Medina) said Thursday afternoon he is proud of legislation passed in 2015 (HB 284) that overhauled the state's accountability system for charter schools, which he said is working. He said he had not read the auditor's report, but would be open to recommendations from Mr. Yost.

"I'd be happy to sit down with him and talk about that," Mr. Obhof said.

A message seeking comment from ECOT's attorney was not returned prior to deadline.

Democrats Seek To Anchor Republican Candidates To Online School Faulted In Audit

On the day Auditor Dave Yost announced he was referring his audit of the Electronic Classroom of Tomorrow's finances to prosecutors, Democrats made hay out of Republicans' ties to the defunct e-school.

Former federal prosecutor Steve Dettelbach, Mr. Yost's Democratic opponent for the office of attorney general, in a series of tweets Thursday again called on Yost to recuse himself from ECOT-related matters and questioned the timeline that led up to the referral.

"Dave Yost's excuses for why he couldn't refer the case are a flat out joke. I was a federal prosecutor for 20 years. Fraud cases don't get better with age," Mr. Dettelbach wrote.

At a press conference for the release of the report, Auditor Yost defended the timing of the referral.

"The criminal referrals always happen at the conclusion or near the conclusion of our work," he said.

David Pepper, chairman of the Ohio Democratic Party, said in a statement the auditor's report jibes with Democrats' previous criticisms of charter schools.

"Finally, after years of pretending otherwise, even the Republican auditor of this state is at long last admitting that one of the central policy directions pursued by Republicans in Ohio for nearly two decades turns out to be a fraudulent scam," he said.

Pepper also accused Yost of taking contributions from ECOT, then "(handing) out awards to ECOT like candy and (ignoring) whistleblowers who came to his office."

Mr. Yost said auditor of state awards are "given under objective criteria," adding ECOT received its awards before the Department of Education imposed standards requiring e-schools to provide data on how long their students spent in class.

"The auditor of state's award has nothing to do with how well you're run," he said. "It has specifically and only to do with whether you meet these criteria, and if you meet them, you automatically get the award."

The auditor also denied accusations his office ignored the claims of a whistleblower who went to ODE and the auditor's office last year alleging the school ordered employees to manipulate enrollment data. Mr. Yost said auditor's officials spoke with him twice and reviewed documents he provided to investigators.

"(The whistleblower's) knowledge was insufficient to base a criminal referral (on) at that time," Mr. Yost said, adding that the auditor's office was "already aware of virtually everything that he said" and working on an audit program to review the school.

The Yost campaign also announced it is donating \$29,395 to charity to offset contributions made by people with ties to ECOT to Mr. Yost's state auditor campaign and transition committee in response to the referral for prosecution.

Allison Dumski, spokeswoman for the campaign of Republican auditor candidate Rep. Keith Faber (R-Celina), said in a statement the campaign is donating \$36,513 to "high quality charter schools" to offset donations from ECOT founder Bill Lager to Faber's prior campaigns.

"As made evident by Auditor Yost's report today, ECOT abused the state's public trust, deceived parents, and most importantly, hurt the thousands of students who sought a quality education," Rep. Faber said in a statement. "Thanks to the strong charter school reforms put in place while I was Senate president and the diligent work of Auditor Yost and his staff, ECOT was caught and is out of business."

Mr. Faber's democratic opponent in the auditor's race, former Congressman Zack Space, called for politicians who took contributions from ECOT or related individuals to give them back in a Thursday-morning tweet.

"Finally, a long overdue referral for prosecution, after YEARS of scamming our tax dollars. Many questions remain, but the biggest: what role did political contributions have in creating or perpetuating this scam? Pols who took ECOT \$ should return it," he wrote.

Sen. Joe Schiavoni (D-Boardman) in a statement said the auditor's announcement was a case of "better late than never."

"However, I am concerned that the auditor avoided acknowledging his own failures to hold ECOT accountable in the past," he said. "The auditor is well aware that the Ohio Department of Education had the power to ask for detailed student attendance data before 2014. That means the data should have existed and Auditor Yost could have asked for it."

Sen. Vernon Sykes (D-Akron) in a statement called for a bipartisan reform effort in regards to e-schools. He said the legislature could start by considering a measure (SB 39) introduced by Sen. Schiavoni in February.

"It is within the legislature's mandate to create a more efficient and effective education system so that Ohio's children have the opportunity to thrive," he said. "Members of the General Assembly have a moral obligation to work together toward bipartisan e-school reform."

Rep. Teresa Fedor (D-Toledo) and Rep. Tavia Galonski (D-Akron) sent a letter to Mr. DeWine requesting the appointment of a special prosecutor to investigate the e-school.

"Taxpayers, students and their families deserve to know the truth about the extent of ECOT officials' criminal activity to defraud the state out of tens of millions of dollars," the letter stated.

Democratic gubernatorial candidate Rich Cordray used the release of the audit as an opportunity to tie his Republican opponent, Attorney General Mike DeWine, to the e-school.

"This is just the latest attempt by Republicans in the Statehouse to whitewash their ECOT scandal," Mr. Cordray said in a statement. "They willfully looked the other way as a billion of our taxpayer dollars went to a politically-connected for-profit charter school instead of to educating Ohio students. In exchange for enabling their scam, Mike DeWine and Jon Husted raked in tens of thousands of dollars in campaign contributions, while our state, taxpayers and children were being defrauded and mistreated."

Joshua Eck, a spokesman for the DeWine/Husted campaign, said in a statement the auditor's report actually shows Republicans are providing oversight of charter schools.

"Mike DeWine and Jon Husted believe that every dollar we invest in education needs only one priority: Helping our kids get off to a great start in life," he said. "Anyone who tries to manipulate that system should be held to account. It's a shame Richard Cordray doesn't understand how Republicans are already imposing that accountability."

Medicaid Officials Detail Safeguards For Managed Care Expansion

Managed care plans and the Ohio Department of Medicaid said Thursday they're ready for the scheduled July 1 carve-in of behavioral health services, although the agency said it has contingency plans in place to alleviate potential problems.

One point of concern for the Joint Medicaid Oversight Committee was one plan's recent struggles meeting the state's prompt pay standards, problems that plans said were not tied to behavioral health.

The move to managed care is the second step in the behavioral health redesign process, and administration officials also argued before JMOC that the first stage - new billing codes - is starting to turn the corner. (*See separate story*)

Although Medicaid officials said they're confident the state's managed care plans will be ready to take on behavioral health services come July, they also detailed a series of safeguards designed to mitigate any issues. (ODM Presentation)

Those protections include a six-month period after the carve-in during which Medicaid members can use any provider for services regardless of who their managed care plan is, said Patrick Stephan, ODM's director of managed care. The period was initially three months but was extended to six months to include an open enrollment period in which members can change managed care plans if they choose.

"Any provider providing services to somebody in the new system will be paid by the managed care plans, no questions asked," Mr. Stephan said.

After that period, providers and plans will still be able to work out single-case agreements if the provider isn't in a plan's network, he said.

Another safeguard is that plans will have to follow the Medicaid program's fee-for-service coverage policies and payment rates through June 30, 2019.

ODM will also develop a post-implementation task force including managed care plans, providers and groups representing providers to identify issues and address them, Mr. Stephan said.

The department will also offer a contingency plan for providers who face problems with billing, similar to a contingency plan offered during the first stage of the redesign, he said. Plans would make a monthly payment for July, August, September and October for providers serving their members equal to 54.6% of the provider's average monthly Medicaid reimbursement in 2016.

Representatives of the five managed care plans told the committee they were each prepared to handle the change in services.

"Improvements for behavioral health in Medicaid will occur July 1 due to managed care carve-in," said Buckeye Health Plan President and CEO Bruce Hill. "Buckeye and the other Medicaid plans have been working closely with our providers for months to ensure a smooth transition."

One managed care organization that JMOC members questioned extensively was CareSource, which is working with ODM to resolve failures to meet the program's prompt pay standards in the second half of 2017.

JMOC Chairman Sen. Dave Burke (R-Marysville) asked CareSource to provide its plan of action for resolving prompt pay issues to the committee in the next week.

CareSource Ohio President Steve Ringel said the company would comply and had experienced no problems with prompt pay in behavioral health. He told Rep. Nickie Antonio (D-Lakewood) that the problems stemmed from having insufficient staff, and that they largely occurred in primary care. The plan has offered cash advances where there are significant issues with specific providers, he said.

Rep. Antonio asked ODM officials about the remediation process for prompt pay failures.

When the department identifies problems with a plan, it works with them to identify issues and develop a solution to bring them back into compliance, Mr. Stephan said.

Rep. Mark Romanchuk (R-Mansfield) questioned why it has taken several months for ODM to act on CareSource's issues.

"To me, eight months is a long time, so I would encourage the department to potentially move these triggers up, so we're not six, seven, eight months down the road when we're finally acting in a manner that facilitates change," he said.

Mr. Stephan said both the plan and ODM have taken the issue seriously and are working on solutions. He also said they have considered changing the requirements, which currently mandate plans pay 90% of claims within 30 days and 99% within 90 days.

"Through the balance of this process, it is a topic that we are looking into," he said.

Administration Points To Improvements In Behavioral Health Redesign Payments

State Medicaid officials argued Thursday that the first step in the behavioral health redesign process, a move to new billing codes, is beginning to stabilize after some initial uncertainty.

The administration used data covering the first three months of the year to tell members of the Joint Medicaid Oversight Committee that billing problems are being resolved and that the new system is, in many cases, paying providers more quickly and efficiently than before.

The comments come in response to a survey released last month by the Ohio Council of Behavioral Health & Family Service Providers that found many members were receiving

significantly less in overall payments from Medicaid. (See Gongwer Ohio Report, April 19, 2018)

Greg Moody, director of the Governor's Office of Health Transformation, said that survey, which covered 80% of the council's members, represents about a quarter of providers affected by the behavioral health redesign. (ODM Presentation)

While payments for claims in February were down 20% compared to the previous February, those numbers in January and March were close to the same, with total payments in the first quarter of 2018 down about 7% compared to the same period in 2017, Director Moody said.

When looking at denial rates of claims, Mr. Moody said the 18% denial rate in March was down compared to 28% seen in January, showing providers are working out problems with the new system.

That rate, above the typical denial rate of about 11%, also is inflated because the new coding system is disqualifying claims that previously might otherwise have been paid by Medicaid, including claims that should be paid by other payers, he said. When those claims are eliminated, the denial rate drops to 11% in March and 15% for the first quarter overall, he said.

Many of the denials - about 41% - are coming from 26 providers, which account for 6% of the total number, he said. When they are removed, the denial rate for March drops to 5%. Mr. Moody also pointed out that hospitals, which have more experience with the code sets and the system, experienced a denial rate of 1% for the quarter.

"Many of the early concerns with redesign are being addressed as we look at actual system performance," he said.

Sen. Bill Coley (R-Liberty Twp.) cited a drop in total behavioral health spending in April, which was not included in Mr. Moody's presentation.

April's spending is affected by a one-week payment delay for the month for all providers in the Medicaid program to keep the program's budget balanced, Mr. Moody said.

"A significant portion of the reduction in April is unrelated to redesign, it's related to a one-week delay in payment," he said.

The council's survey was conducted "at the point of maximum consternation" with the new process, Mr. Moody said.

"Everything in the council survey are things that we flagged to monitor and track because they could be signals of something going wrong," he said.

Sen. Coley said the fact that overall spending in behavioral health remains below last year's total continues to raise red flags.

"From a budgeting standpoint, their concerns are not as overblown as we thought," he said.

Rep. Emilia Sykes (D-Akron) asked how much providers are being told about why a certain claim was denied.

"What does that look like moving forward so these folks can actually get what they need and we can actually find out whether this is why they're losing that funding?" she asked.

Medicaid Director Barbara Sears said providers are given codes explaining why a claim was denied, and that with larger denials, the department will reach out to providers to explain.

"I can't have my folks explaining how to bill Medicare or a third party, but what I can tell you is that now that we have moved to a national code set, it's easier for them to bill those services," she said.

The administration's comments didn't quell the Ohio Council's concerns about the plan to move ahead with the next step of the behavioral health redesign. CEO Lori Criss also pointed to prompt payment issues with one managed care plans as raising questions about the planned July 1 managed care carve-in. (*See separate story*)

"Today's discussion at JMOC reinforced that the state, managed care plans, and providers are not yet showing full signs of readiness for a July 1 move to managed care, especially with fewer than 8% of providers shown as being in a position to serve the same capacity that they served last year at this time," she said in an email.

"It's stunning to think that the administration can declare readiness when at the same time revealing that the Ohio Department of Medicaid has known for months but not shared that CareSource, which covers over 50% of Ohioans on Medicaid Managed Care, has violated their timely payment requirements."

Prompted by the council's survey, one Democratic lawmaker also announced Thursday that he would ask ODM to delay the planned carve-in by six months.

"Logistical issues during the rollout of the redesign plan have wreaked havoc on our healthcare providers, threatening care and forcing many to eliminate staff and essential services," Rep. Thomas West (D-Canton) said in a statement. "This is especially troublesome at a time when we continue to battle our worst-in-the-nation opioid crisis. Extending Phase I by six months will allow us to iron out the issues and refocus our efforts on what truly matters-delivering quality, affordable healthcare to Ohio families."

Retirement Study Council Approves 2019 Budget

The Ohio Retirement Study Council will see a slight spending increase under a budget approved by members Thursday.

The panel signed off on the \$781,800 budget request with little discussion after council Director Bethany Rhodes walked members through an overview. The annual increase is just above 1%, or \$8,450. The council receives no legislative appropriations and is funded through the plans' investment earnings.

The School Employees Retirement and the State Teachers Retirement systems also presented current drafts of their own budget proposals. Rising insurance costs, additional staff training expenses and increasing bank fees appear to be the common themes. (Committee Documents)

Rep. Rick Carfagna (R-Westerville) applauded the ORSC's budget for zeroing out a line item previously put aside for communication products like phones and internet.

Ms. Rhodes explained that because the council relocated to a state office building, it no longer needs to rely on a private vendor for those services. She said, however, that the line item would remain in the budget in case the council should relocate at some point in the future.

Ms. Rhodes said she was also successful in following through on members' prior instructions to attempt to extend the contract of the council's two actuaries - PTA/KMS and RVK - which were to expire in August. She said both agreed to extend the contracts another five years at the current rate.

Other systems: Representatives of the School Employees Retirement System and State Teachers Retirement System shared their own budget projections with the council, although SERS CFO Tracy Valentino said that system's proposal is still a work in progress and will likely be lower when it returns for council consideration.

SERS' proposed operating budget increased 4.3% over the current year, partly attributable to a 4.7% increase in personnel costs and a 5.5% increase in health insurance. All told, the total budget clocks in at just more than \$34 million - up from \$32.9 million the year prior.

Member Thomas Pascarella questioned Ms. Valentino on the increase in banking fees the system has seen. She replied that as the assets grow, so too do the custodial and related fees.

STRS CFO Paul Snyder said the system is eyeing a 2.2% increase - up from \$99.9 million to \$102 million - for its 2019 budget. He said the system has trimmed six full-time equivalent positions thanks to online efficiencies and teacher retirements - a fact Sen. Steve Wilson (R-Maineville) praised.

Recommendations: Senior Research Associate Jeff Bernard outlined staff's recommendation to remove a provision in the Ohio Revised Code requiring Highway Patrol Retirement System to conduct an annual adequacy contribution rate report.

Those reports, Mr. Bernard suggested, are duplicative and costly. The council, he noted, would still have the ability to request such a report if the change were adopted. System Executive Director Mark Atkeson said he supports the proposal.

Rep. Kirk Schuring (R-Canton) said the issue will be discussed at the group's next meeting along with whether similar requirements for other systems should likewise be eliminated.

The council also voted to recommend lawmakers modify maximum statutory penalties for systems failing to transmit either employee or employer contributions.

State Offers Guidance On Mental Health, Firearms; Chronic Pain Rule Available For Comment...

The Department of Mental Health & Addiction Services issued guidance this week to help mental health practitioners with questions surrounding mental illness and firearms.

The memo comes as the debate over firearms and particularly mass shootings continues at the state and federal level.

ODMHAS Medical Director Dr. Mark Hurst wrote to providers that the discussion demonstrates the important role they play in the conversation and in the prevention of violence.

Statistics show a relatively small number of violent acts directed toward others are committed by people with mental illness, and that people with mental illness are much more likely to use firearms to take their own lives, he wrote.

"When individuals with certain mental illnesses are actively experiencing symptoms, they may be impulsive, misperceive reality and have impaired judgment. If firearms are available, the risk to themselves and others increases markedly," he wrote.

"Health care providers have no duty more important than to maintain the wellness and safety of patients, families and the communities where they reside. This duty is accomplished by providing effective treatment for psychiatric disorders and substance use problems, as well as remembering our duty to address the risk that exists from access to firearms for those under mental health treatment."

Dr. Hurst recommended patients and their families be advised of the risks posed by firearm access, and the importance of mitigating them. He also stressed the importance of ensuring relevant documents are submitted to the Bureau of Criminal Investigation in the case of an involuntary commitment.

"While our clinical interventions alone will not eliminate all firearm-related injuries and deaths, they most certainly eliminate some of them," he wrote. "Even one life saved is worth it."

Chronic Pain Rules: The Ohio State Dental Board posted draft rules of proposed new regulations on the prescribing of opioid medications for chronic and subacute pain.

The proposed rules were announced last week by Gov. John Kasich and medical professional boards. They create a framework of checkpoints for prescribers when authorizing progressively stronger doses of opioid pain relievers. (See Gongwer Ohio Report, May 2, 2018)

Comments on the rules can be sent to the dental board via email with the rule number in the subject line, and with the Common Sense Initiative copied on the email. Comments will be accepted through Friday, May 18.

The board also expects to hold a public hearing on the rule in July.

Medicaid Waivers: A report by Policy Matters Ohio questioned research cited by federal health care regulators in supporting Medicaid waivers imposing work requirements on certain members.

PMO claimed the Centers for Medicare and Medicaid Services misstated or misinterpreted the findings of various academic studies in justifying a move toward additional work requirements for Medicaid members.

"Medicaid's mission is to improve the health of Americans struggling to make ends meet," Wendy Patton, PMO senior project director, said in a statement. "Good health is a precondition for work, not a reward for it. Nothing in academic literature justifies CMS's plan. In fact, in many cases, the research shows why this policy is flawed."

Agency Briefs: AG Approves Petition For Legalized Pot Issue; Arts Council Gets Nearly \$1 Million NEA Grant; Auditor; ODA; DAS

A resubmitted petition summary for a ballot issue to legalize marijuana in Ohio was approved Thursday by Attorney General Mike DeWine.

Backers of the proposed constitutional amendment, titled "Marijuana Rights and Regulations," will be cleared to begin collecting signatures after the Ohio Ballot Board determines whether the language requires a single or multiple issues.

Mr. DeWine's office determined that, unlike the committee's first attempt, the new petition summary represented "a fair and truthful statement of the proposed law."

Under the proposed amendment, which also prescribes how governments can restrict the use of marijuana in ways similar to alcohol-related laws, a new Ohio Constitution section would "endow the Rights of persons in Ohio age 21 and older to possess, cultivate, process, use, transport, sell, purchase and share marijuana in Ohio...."

Ohio Arts Council: For the ninth consecutive year, OAC is celebrating the award of the second-largest partnership agreement grant from the National Endowment for the Arts.

The \$995,800 received to help support arts initiatives throughout the state tops the amount granted to larger states such as Texas, Florida, New York, Illinois and Pennsylvania, OAC reported. (Details)

"Ohio has a long tradition of securing nearly \$1 million annually through the State and Regional Partnership Agreement program from the National Endowment for the Arts. We are proud to receive the largest award in the Midwest and the second largest award in the nation, OAC Executive Director Donna S. Collins said in a statement.

"Every dollar we earn from the NEA is invested in the arts statewide through our grantees. The federal investment in the arts in Ohio is important, not just the Ohio Arts Council grant award, but the 16 grants given this cycle in a variety of categories to arts organizations across Ohio."

State Auditor: Dave Yost has placed the Village of Bridgeport in Belmont County on the state's "unauditable" list due to a lack of documentation.

"During the course of the regular financial audit of the Village of Bridgeport for the period Jan. 1, 2016, through Dec. 31, 2017, the Auditor of State's office determined that the condition of the village's financial records was not adequate to complete the audit," his office reported. In a letter to the village, the Auditor's office provided a list of information required to complete the audit.

"Complete financial records shine a light on local governments," Auditor Yost said in a release. "Taxpayers should not be left in the dark on how their dollars are being spent."

The village has 90 days to respond to the letter by revising its financial records and providing the required data. Failure to do so could result in legal action.

In a separate release, Mr. Yost announced that Nicholas Szabo, the former city auditor of London in Madison County, pleaded guilty to theft in office "for his failure to reimburse the city for his health insurance costs and for an unauthorized pay increase for a fellow employee."

Mr. Szabo resigned in December. The auditor said he will be sentenced on the fourth-degree felony violation on June 7.

Mr. Yost also announced this week that a special audit of Mt. Sterling was recognized by the National State Auditors Association with an Excellence in Accountability Award.

"The award recognizes the office's work in uncovering extensive corruption and almost \$1 million in illegal spending at the small Madison County village," his office reported. "The special audit was instrumental in securing the convictions of four administrators

and employees, including former Mayor Charles Neff and former Village Administrator Joseph Johnson."

"The exemplary professionals of my office continually get results - and justice - for Ohio's taxpayers," Auditor Yost said. "This recognition from their peers is evidence of the first-rate work rooted in every audit and investigation they perform."

Department of Agriculture: The agency reported Thursday that an invasive species of hemlock-killing insects had been discovered in Adams County.

The hemlock woolly adelgid, an aphid-like Asian insect first reported in the U.S. in 1951, has devastated the trees in areas along the Appalachian Mountains and has been detected in 20 states.

The infestation in Adams County was discovered through the survey work being conducted by the ODNR Division of Forestry in Shawnee State Forest. The bugs were first detected in a forested setting in Ohio in Meigs County in 2012, the agency reported.

"At this time, ODA will move to expand its hemlock quarantine, enforced by ODA's Plant Health division, to include Adams County," ODA reported. "Ohio quarantine regulations restrict the movement of hemlock materials from areas known to be infested with HWA into non-infested Ohio counties. Ohio's quarantine law also requires hemlock materials to be inspected and officially certified before being shipped, verifying that the plant material is free of HWA when entering Ohio."

The agency separately announced that aerial treatments designed to control the gypsy moth population would begin soon in 54 acres in Franklin County. The treatments are administered using a low-flying aircraft and will likely take place during early morning hours, ODA said.

The department said it will use Foray (Btk), a naturally occurring bacterium found in the soil that interferes with the caterpillars' feeding cycles, adding that the substance is not toxic to humans, pets, birds or fish.

Administrative Services: The state will hold next miscellaneous surplus property auction on Saturday at the DAS General Services Division headquarters, 4200 Surface Rd. in Columbus.

Scaffolding and a Delta RS-15 shaper are among the unique items being sold at the auction, which also features "a wide variety of computer equipment (e.g., laptops, monitors and printers) and electronic appliances (e.g., copiers, digital cameras, DVD players, audio and video equipment and mobile radios).

Doors open at 8 a.m. and the auction begins at 9 a.m. More details are available on the DAS website.

Governor's Appointments

State Dental Board: Andrew W. Zucker, DDS of Sandusky for a term beginning May 10, 2018, and ending April 6, 2022 and Canise Y. Bean, DMD, MPH of Columbus and Faisal A. Quereshy, MD, DDS of Richfield for terms beginning May 10, 2018, and ending April 6, 2022.

University of Akron Board of Trustees: Cindy P. Crotty of Cleveland Heights has been appointed to the for a term beginning May 10, 2018, and ending July 1, 2026.

Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to gongwer@gongwer-oh.com.

Supplemental Agency Calendar

Monday, May 14

State Board of Education, 25 S. Front St., Columbus, 8:30 a.m.

Tuesday, May 15

State Board of Education, 25 S. Front St., Columbus, 8:30 a.m.

Wednesday, May 16

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Thursday, May 17

Aerospace & Aviation Technology Committee, Rm. 017, Statehouse, Columbus, 1:30 p.m.

17 S. High St., Suite 630

Columbus Ohio 43215

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Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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Daily Activity Planner for Friday, May 11

Legislative Committees

No legislative committees scheduled.

Agency Calendar

Small Government Capital Improvements Commission, OWDA offices, 480 S. High St., Columbus, 10:30 a.m.

Event Planner

YMCA Youth & Government Model United Nations, Statehouse, Columbus

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

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Legislative Committee Schedules beginning 5/11/2018

Monday, May 14

Joint Committee on Agency Rule Review (Committee Record) (Chr. Uecker, J., 644-6030), Senate Finance Hearing Rm., 1:30 p.m.

Tuesday, May 15

Senate Insurance & Financial Institutions (Committee Record) (Chr. Hottinger, J., 466-5838), Finance Hearing Rm., 9:30 a.m.

- SB 275** **NURSE ANESTHETISTS** (Burke, D.) Regarding the authority of certified registered nurse anesthetists to administer drugs in addition to anesthesia and to select and order certain other drugs. (1st Hearing-Sponsor)
- SB 247** **PERS HEALTH CARE** (Dolan, M.) To require the Public Employees Retirement System to permit certain spouses of retired or deceased members to continue receiving allowances to pay for health care expenses under the System's group health care plans. (1st Hearing-Sponsor)
- SB 263** **NOTARY PUBLIC** (Huffman, M., Wilson, S.) To enact the Notary Public Modernization Act. (3rd Hearing-All testimony-Possible amendments & vote)
- SB 265** **PHARMACY SERVICES** (Dolan, M.) To permit certain health insurers to provide payment or reimbursement for services lawfully provided by a pharmacist and to recognize pharmacist services in certain other laws. (2nd Hearing-Proponent)
- SB 273** **RATING AGENCIES** (Hackett, B.) To enact for the Revised Code a definition of the term "rating agency." (2nd Hearing-Proponent)
- Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 p.m.
- Confirmation hearing on governor's appointments of John Adams, CFA, Ohio Higher Educational Facility Commission; Rachel Bankowitz and Donald Brogan, RA, Ohio Historic Site Preservation Advisory Board; Charles Bills, Owens State Community College Board of Trustees; Thomas Carroll, Housing Trust Fund Advisory Committee; Rachel Cummings, Southern State Community College Board of Trustees; Matthew Davis, Ohio Business Gateway Steering Committee; Terrence Fergus, Cleveland State University Board of Trustees; Charles George, Youngstown State University Board of Trustees; Matthew Kirby, CFP, Ohio Tuition Trust Authority; Gary Lindgren and David Scholl, Third Frontier Commission; Austin McClain, Ohio University Board of Trustees; Jill Neff and Joshua Smith, Rio Grande Community College Board of Trustees and Rick Ritzler, Columbus State Community College Board of Trustees
- SB 296** **LAW ENFORCEMENT BENEFITS** (LaRose, F., Hottinger, J.) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (1st Hearing-Sponsor)
- HB 318** **SCHOOL RESOURCE OFFICERS** (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers, to require the

Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation. (1st Hearing-Sponsor)

SB 299

WATER IMPROVEMENTS (Gardner, R., O'Brien, S.) To allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. (1st Hearing-Sponsor & proponent)

HB 353

UNCLAIMED FUNDS (Reineke, B.) To exempt certain open-loop prepaid cards, closed-loop prepaid cards, and rewards cards from the Unclaimed Funds Law. (3rd Hearing-Opponent)

SB 246

STUDENT REMOVAL (Lehner, P., Manning, G.) To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation. (4th Hearing-All testimony-Possible amendments)

House Federalism & Interstate Relations (Committee Record) (Chr. Roegner, K., 466-1177), Rm. 115, 4 p.m.

HB 580

GRANT APPLICATIONS (Thompson, A.) To establish procedures that executive agencies must follow when applying for grants, to require the Governor to approve any major grant application, and to permit the Governor to disapprove any minor grant application. (1st Hearing-Sponsor)

HCR 26

JERUSALEM (Faber, K., Keller, C.) To recognize Jerusalem as the capital of the State of Israel. (1st Hearing-Sponsor)

HB 228

GUN LAWS (Johnson, T., LaTourette, S.) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. (6th Hearing-All testimony)

HB 85

HEALTH CARE COMPACT (Retherford, W.) To enter into the Health Care Compact. (2nd Hearing-All testimony-Possible vote)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

HB 544

SCHOOL SAFETY STANDARDS (Rogers, J., Perales, R.) To require the State Board of Education to adopt rules prescribing standards for safety enhancements to new public and nonpublic school facilities and to require the Ohio Facilities Construction Commission to revise its construction and design standards to comply with the State Board's standards. (1st Hearing-Sponsor)

- SB 216** **SCHOOL REGULATIONS** (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs. (1st Hearing-Sponsor)
- HB 517** **MONTH DESIGNATION** (Schaffer, T., Leland, D.) To designate the month of October as "Ohio Principals Month." (2nd Hearing-All testimony-Possible amendments & vote)
- HB 540** **TEACHER EVALUATIONS** (Gavarone, T., Manning, N.) With regard to teacher evaluations. (3rd Hearing-All testimony-Possible amendments & vote)
- HB 591** **SCHOOL REPORT CARDS** (Duffey, M.) To revise the state report card rating system for school districts and public schools. (1st Hearing-Sponsor & proponent-Possible substitute-Pending referral)
- Senate Agriculture (Committee Record) (Chr. Hackett, B., 466-3780), South Hearing Rm., 4 p.m.
- HB 392** **APIARY DAMAGES** (Stein, D.) To grant specified apiary owners immunity in personal injury or property damage cases involving bee stings. (2nd Hearing-Proponent)
- HB 506** **DOG BREEDERS** (Hill, B.) To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)

Wednesday, May 16

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m.

- SB 135** **VOTING EQUIPMENT** (LaRose, F.) To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program. (1st Hearing-Sponsor & proponent-Pending referral)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11:15 a.m.

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), North Hearing Rm., 3 p.m. or after session

- Confirmation hearing on governor's appointments of Timothy Staup, Motor Vehicle Salvage Dealers Licensing Board and Norman Lane, State Fire Council

- SB 293** **ADMINISTRATIVE REGULATIONS** (Peterson, B., McColley, R.) To require agencies to reduce the number of regulatory restrictions. (1st Hearing-Sponsor)

- SB 295** **ROAD NAMING** (Hottinger, J.) To designate a portion of State Route 93 in Tuscarawas County as the "PFC Oscar F. Nicewander Memorial Highway" and a portion of State Route 520 in Holmes County as the "Cpl. Jerry Robert Spitler Memorial Highway." (1st Hearing-Sponsor)

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 3:15 p.m. or after session

- HB 360** **BULLYING** (Greenspan, D.) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (1st Hearing-Sponsor)

- HB 87** **COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. (2nd Hearing-Proponent)
- HB 438** **ESC BOARDS (Hambley, S., Kick, D.)** To permit the addition of appointed members to educational service center boards, to permit a local school district to sever its territory from one educational service center and annex that territory to an adjacent service center under specified conditions, and to authorize educational service centers to establish local professional development committees. (2nd Hearing-All testimony-Possible amendments & vote)
- HB 21** **COMMUNITY SCHOOLS (Hambley, S.)** Regarding verification of community school enrollments. (5th Hearing-All testimony-Possible amendments & vote)
House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 113, 3:30 p.m. or after session
- HB 527** **VISITATION RIGHTS (LaTourette, S.)** To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. (1st Hearing-Sponsor)
- HB 572** **RETIREMENT CREDIT (Scherer, G., Howse, S.)** Regarding Public Employees Retirement System service credit for services as a nonteaching school employee of a county board of developmental disabilities. (1st Hearing-Sponsor)
- SB 158** **ELDER FRAUD (Wilson, S.)** To develop best practices and educational opportunities to combat elder fraud and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (1st Hearing-Sponsor)

Thursday, May 17

Joint Ohio College Affordability Committee (Chr. Wilson, S., 466-9739), Senate Finance Hearing Rm., 10 a.m.

- Presentation from Chancellor John Carey on past and current initiatives to reduce the cost of college education
~~Canceled- House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 4 p.m.~~

- If needed

Tuesday, May 22

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

- If needed
Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.
- If needed

Wednesday, May 23

Joint Education Oversight Committee (Committee Record) (Chr. Manning, G., 466-8150), North Hearing Rm., 8:30 a.m.


- Presentation by State Superintendent Paolo DeMaria and update on progress of other research projects (tentative)
Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

Thursday, May 24

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1 p.m.

NOTE: Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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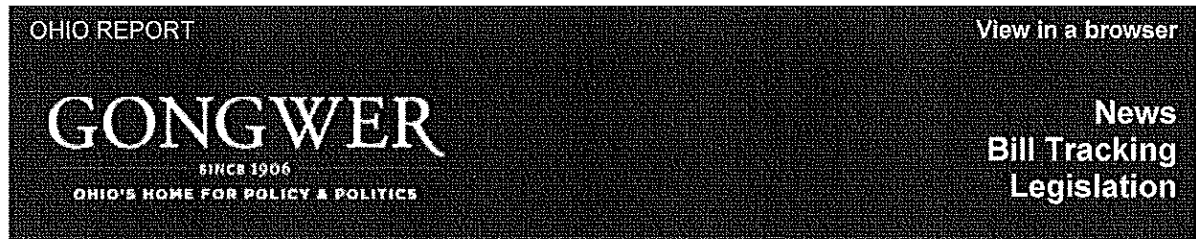
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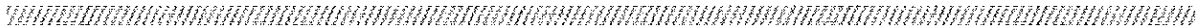
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OHIO REPORT THURSDAY, MAY 10



State Auditor: ECOT Officials May Have Engaged In Criminal Activity

**Democrats Seek To Anchor Republican Candidates To Online School
Faulted In Audit**

Medicaid Officials Detail Safeguards For Managed Care Expansion

**Administration Points To Improvements In Behavioral Health Redesign
Payments**

Retirement Study Council Approves 2019 Budget

**State Offers Guidance On Mental Health, Firearms; Chronic Pain Rule
Available For Comment...**

**Agency Briefs: AG Approves Petition For Legalized Pot Issue; Arts
Council Gets Nearly \$1 Million NEA Grant; Auditor; ODA; DAS**

Governor's Appointments

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Volume #87, Report #91 -- Thursday, May 10, 2018

State Auditor: ECOT Officials May Have Engaged In Criminal Activity

State Auditor Dave Yost on Thursday referred his office's audit of the Electronic Classroom of Tomorrow for potential prosecution before blasting the Department of Education's oversight of the now-shuttered e-school and calling for stricter state laws on such entities.

The auditor's report determined that ECOT failed to provide documents proving students were using their computers for educational purposes for the hours it requested payment for during the 2016-17 school year. The audit found that although the school used tracking software known as ActivTrak to record what websites and programs students were using and how long they were using them, it did not provide all of that data to ODE.

Mr. Yost also issued findings for recovery on nearly \$250,000 that ECOT-related entities spent on political advertising as the General Assembly was considering new measures to regulate charters and ODE was looking to claw back payments made to the online school.

The audit's release kicked off another round of criticism from Democrats who accused Republican leaders of failing to oversee ECOT and prompted several Republican statewide candidates to donate money their campaigns had previously received from school leaders (*See separate story*).

Mr. Yost called information garnered from ActivTrak "the smoking gun" in his office's investigation into ECOT, which ended with him referring the findings to the Franklin County Prosecutor's Office and U.S. Attorney's Office.

"For the first time, we can prove that ECOT submitted information to ODE in order to get paid that it knew to be false when it was submitted," Mr. Yost said.

After ODE requested information on student participation at the e-school, Mr. Yost said ECOT provided "meaningless and unreliable information ...that ODE inexplicably accepted." He said department officials should have pushed for more information from the school.

"I would not have accepted the watered-down, blanked-out spreadsheets that were submitted to ODE," he said.

In a statement, Mr. Yost went further to challenge the department's handling of the e-school.

"With the level of incompetence displayed by both the school and ODE, the regulator, it's amazing that any money went to education whatsoever," he said.

ODE spokeswoman Brittany Halpin in a statement pushed back against the auditor's claim that the department mishandled its oversight of ECOT.

"No one has held ECOT more accountable for the education of students than the Department of Education, and our work to return approximately \$80 million to Ohio's taxpayers continues," she said.

Ms. Halpin said department officials "repeatedly questioned and subsequently rejected portions of ECOT's data."

ECOT closed in January after the State Board of Education voted the previous summer to claw back \$60 million from the school after an audit found it over-reported its full-time enrollment for the 2015-16 school year. The panel earlier this year tacked on another \$19 million to the school's debt, claiming it again overstated enrollment for 2016-17. (See Gongwer Ohio Report, February 12, 2018)

The e-school has filed two appeals with the Ohio Supreme Court, claiming ODE and the State Board of Education acted improperly in the lead-up to its closure. (See Gongwer Ohio Report, April 16, 2018)

Along with a referral for possible prosecution, the auditor's office issued a finding for recovery of \$249,962. The amount reflects an invoice submitted to ECOT in 2017 for a political ad buy that eventually was paid by Third Wave Communications, according to the auditor's report.

Mr. Yost said Third Wave Communications shares common ownership with other ECOT-linked businesses, leading auditor's investigators to conclude it paid the invoice in order to disguise ECOT's role in purchasing the advertising, which targeted the ODE and state lawmakers.

Karl Schneider, an attorney representing Third Wave Communications, said in a statement the finding for recovery was "meritless" and the result of a political frenzy around ECOT. He said Third Wave plans to challenge the finding.

"Mile-wide, inch-deep investigations have a tendency to lead to unsubstantiated conclusions that generally fail when tested with evidence in the court system, which is the case here," he said.

The auditor said ECOT officials also declined in April to sign a routine letter stating they provided all information necessary for the completion of the audit and that they had informed auditor's investigators of any possible fraud or illegal actions.

Auditor Yost said he anticipates his office will offer legislative recommendations based on the audit of ECOT, which likely will focus on preventing conflicts of interest and

promoting transparency among e-schools and the companies that manage them. He said the legislature also should look into whether funding such schools based on the time their students spent in class makes sense.

"Online learning needs to go to a learning-based, or achievement-based funding mechanism," he said.

Senate President Larry Obhof (R-Medina) said Thursday afternoon he is proud of legislation passed in 2015 (HB 266) that overhauled the state's accountability system for charter schools, which he said is working. He said he had not read the auditor's report, but would be open to recommendations from Mr. Yost.

"I'd be happy to sit down with him and talk about that," Mr. Obhof said.

A message seeking comment from ECOT's attorney was not returned prior to deadline.

Democrats Seek To Anchor Republican Candidates To Online School Faulted In Audit

On the day Auditor Dave Yost announced he was referring his audit of the Electronic Classroom of Tomorrow's finances to prosecutors, Democrats made hay out of Republicans' ties to the defunct e-school.

Former federal prosecutor Steve Dettelbach, Mr. Yost's Democratic opponent for the office of attorney general, in a series of tweets Thursday again called on Yost to recuse himself from ECOT-related matters and questioned the timeline that led up to the referral.

"Dave Yost's excuses for why he couldn't refer the case are a flat out joke. I was a federal prosecutor for 20 years. Fraud cases don't get better with age," Mr. Dettelbach wrote.

At a press conference for the release of the report, Auditor Yost defended the timing of the referral.

"The criminal referrals always happen at the conclusion or near the conclusion of our work," he said.

David Pepper, chairman of the Ohio Democratic Party, said in a statement the auditor's report jibes with Democrats' previous criticisms of charter schools.

"Finally, after years of pretending otherwise, even the Republican auditor of this state is at long last admitting that one of the central policy directions pursued by Republicans in Ohio for nearly two decades turns out to be a fraudulent scam," he said.

Pepper also accused Yost of taking contributions from ECOT, then "(handing) out awards to ECOT like candy and (ignoring) whistleblowers who came to his office."

Mr. Yost said auditor of state awards are "given under objective criteria," adding ECOT received its awards before the Department of Education imposed standards requiring e-schools to provide data on how long their students spent in class.

"The auditor of state's award has nothing to do with how well you're run," he said. "It has specifically and only to do with whether you meet these criteria, and if you meet them, you automatically get the award."

The auditor also denied accusations his office ignored the claims of a whistleblower who went to ODE and the auditor's office last year alleging the school ordered employees to manipulate enrollment data. Mr. Yost said auditor's officials spoke with him twice and reviewed documents he provided to investigators.

"(The whistleblower's) knowledge was insufficient to base a criminal referral (on) at that time," Mr. Yost said, adding that the auditor's office was "already aware of virtually everything that he said" and working on an audit program to review the school.

The Yost campaign also announced it is donating \$29,395 to charity to offset contributions made by people with ties to ECOT to Mr. Yost's state auditor campaign and transition committee in response to the referral for prosecution.

Allison Dumski, spokeswoman for the campaign of Republican auditor candidate Rep. Keith Faber (R-Celina), said in a statement the campaign is donating \$36,513 to "high quality charter schools" to offset donations from ECOT founder Bill Lager to Faber's prior campaigns.

"As made evident by Auditor Yost's report today, ECOT abused the state's public trust, deceived parents, and most importantly, hurt the thousands of students who sought a quality education," Rep. Faber said in a statement. "Thanks to the strong charter school reforms put in place while I was Senate president and the diligent work of Auditor Yost and his staff, ECOT was caught and is out of business."

Mr. Faber's democratic opponent in the auditor's race, former Congressman Zack Space, called for politicians who took contributions from ECOT or related individuals to give them back in a Thursday-morning tweet.

"Finally, a long overdue referral for prosecution, after YEARS of scamming our tax dollars. Many questions remain, but the biggest: what role did political contributions have in creating or perpetuating this scam? Pols who took ECOT \$ should return it," he wrote.

Sen. Joe Schiavoni (D-Boardman) in a statement said the auditor's announcement was a case of "better late than never."

"However, I am concerned that the auditor avoided acknowledging his own failures to hold ECOT accountable in the past," he said. "The auditor is well aware that the Ohio Department of Education had the power to ask for detailed student attendance data before 2014. That means the data should have existed and Auditor Yost could have asked for it."

Sen. Vernon Sykes (D-Akron) in a statement called for a bipartisan reform effort in regards to e-schools. He said the legislature could start by considering a measure (SB 39) introduced by Sen. Schiavoni in February.

"It is within the legislature's mandate to create a more efficient and effective education system so that Ohio's children have the opportunity to thrive," he said. "Members of the General Assembly have a moral obligation to work together toward bipartisan e-school reform."

Rep. Teresa Fedor (D-Toledo) and Rep. Tavia Galonski (D-Akron) sent a letter to Mr. DeWine requesting the appointment of a special prosecutor to investigate the e-school.

"Taxpayers, students and their families deserve to know the truth about the extent of ECOT officials' criminal activity to defraud the state out of tens of millions of dollars," the letter stated.

Democratic gubernatorial candidate Rich Cordray used the release of the audit as an opportunity to tie his Republican opponent, Attorney General Mike DeWine, to the e-school.

"This is just the latest attempt by Republicans in the Statehouse to whitewash their ECOT scandal," Mr. Cordray said in a statement. "They willfully looked the other way as a billion of our taxpayer dollars went to a politically-connected for-profit charter school instead of to educating Ohio students. In exchange for enabling their scam, Mike DeWine and Jon Husted raked in tens of thousands of dollars in campaign contributions, while our state, taxpayers and children were being defrauded and mistreated."

Joshua Eck, a spokesman for the DeWine/Husted campaign, said in a statement the auditor's report actually shows Republicans are providing oversight of charter schools.

"Mike DeWine and Jon Husted believe that every dollar we invest in education needs only one priority: Helping our kids get off to a great start in life," he said. "Anyone who tries to manipulate that system should be held to account. It's a shame Richard Cordray doesn't understand how Republicans are already imposing that accountability."

Medicaid Officials Detail Safeguards For Managed Care Expansion

Managed care plans and the Ohio Department of Medicaid said Thursday they're ready for the scheduled July 1 carve-in of behavioral health services, although the agency said it has contingency plans in place to alleviate potential problems.

One point of concern for the Joint Medicaid Oversight Committee was one plan's recent struggles meeting the state's prompt pay standards, problems that plans said were not tied to behavioral health.

The move to managed care is the second step in the behavioral health redesign process, and administration officials also argued before JMOC that the first stage - new billing codes - is starting to turn the corner. (*See separate story*)

Although Medicaid officials said they're confident the state's managed care plans will be ready to take on behavioral health services come July, they also detailed a series of safeguards designed to mitigate any issues. (ODM Presentation)

Those protections include a six-month period after the carve-in during which Medicaid members can use any provider for services regardless of who their managed care plan is, said Patrick Stephan, ODM's director of managed care. The period was initially three months but was extended to six months to include an open enrollment period in which members can change managed care plans if they choose.

"Any provider providing services to somebody in the new system will be paid by the managed care plans, no questions asked," Mr. Stephan said.

After that period, providers and plans will still be able to work out single-case agreements if the provider isn't in a plan's network, he said.

Another safeguard is that plans will have to follow the Medicaid program's fee-for-service coverage policies and payment rates through June 30, 2019.

ODM will also develop a post-implementation task force including managed care plans, providers and groups representing providers to identify issues and address them, Mr. Stephan said.

The department will also offer a contingency plan for providers who face problems with billing, similar to a contingency plan offered during the first stage of the redesign, he said. Plans would make a monthly payment for July, August, September and October for providers serving their members equal to 54.6% of the provider's average monthly Medicaid reimbursement in 2016.

Representatives of the five managed care plans told the committee they were each prepared to handle the change in services.

"Improvements for behavioral health in Medicaid will occur July 1 due to managed care carve-in," said Buckeye Health Plan President and CEO Bruce Hill. "Buckeye and the other Medicaid plans have been working closely with our providers for months to ensure a smooth transition."

One managed care organization that JMOC members questioned extensively was CareSource, which is working with ODM to resolve failures to meet the program's prompt pay standards in the second half of 2017.

JMOC Chairman Sen. Dave Burke (R-Marysville) asked CareSource to provide its plan of action for resolving prompt pay issues to the committee in the next week.

CareSource Ohio President Steve Ringel said the company would comply and had experienced no problems with prompt pay in behavioral health. He told Rep. Nickie Antonio (D-Lakewood) that the problems stemmed from having insufficient staff, and that they largely occurred in primary care. The plan has offered cash advances where there are significant issues with specific providers, he said.

Rep. Antonio asked ODM officials about the remediation process for prompt pay failures.

When the department identifies problems with a plan, it works with them to identify issues and develop a solution to bring them back into compliance, Mr. Stephan said.

Rep. Mark Romanchuk (R-Mansfield) questioned why it has taken several months for ODM to act on CareSource's issues.

"To me, eight months is a long time, so I would encourage the department to potentially move these triggers up, so we're not six, seven, eight months down the road when we're finally acting in a manner that facilitates change," he said.

Mr. Stephan said both the plan and ODM have taken the issue seriously and are working on solutions. He also said they have considered changing the requirements, which currently mandate plans pay 90% of claims within 30 days and 99% within 90 days.

"Through the balance of this process, it is a topic that we are looking into," he said.

Administration Points To Improvements In Behavioral Health Redesign Payments

State Medicaid officials argued Thursday that the first step in the behavioral health redesign process, a move to new billing codes, is beginning to stabilize after some initial uncertainty.

The administration used data covering the first three months of the year to tell members of the Joint Medicaid Oversight Committee that billing problems are being resolved and that the new system is, in many cases, paying providers more quickly and efficiently than before.

The comments come in response to a survey released last month by the Ohio Council of Behavioral Health & Family Service Providers that found many members were receiving

significantly less in overall payments from Medicaid. (See Gongwer Ohio Report, April 19, 2018)

Greg Moody, director of the Governor's Office of Health Transformation, said that survey, which covered 80% of the council's members, represents about a quarter of providers affected by the behavioral health redesign. (ODM Presentation)

While payments for claims in February were down 20% compared to the previous February, those numbers in January and March were close to the same, with total payments in the first quarter of 2018 down about 7% compared to the same period in 2017, Director Moody said.

When looking at denial rates of claims, Mr. Moody said the 18% denial rate in March was down compared to 28% seen in January, showing providers are working out problems with the new system.

That rate, above the typical denial rate of about 11%, also is inflated because the new coding system is disqualifying claims that previously might otherwise have been paid by Medicaid, including claims that should be paid by other payers, he said. When those claims are eliminated, the denial rate drops to 11% in March and 15% for the first quarter overall, he said.

Many of the denials - about 41% - are coming from 26 providers, which account for 6% of the total number, he said. When they are removed, the denial rate for March drops to 5%. Mr. Moody also pointed out that hospitals, which have more experience with the code sets and the system, experienced a denial rate of 1% for the quarter.

"Many of the early concerns with redesign are being addressed as we look at actual system performance," he said.

Sen. Bill Coley (R-Liberty Twp.) cited a drop in total behavioral health spending in April, which was not included in Mr. Moody's presentation.

April's spending is affected by a one-week payment delay for the month for all providers in the Medicaid program to keep the program's budget balanced, Mr. Moody said.

"A significant portion of the reduction in April is unrelated to redesign, it's related to a one-week delay in payment," he said.

The council's survey was conducted "at the point of maximum consternation" with the new process, Mr. Moody said.

"Everything in the council survey are things that we flagged to monitor and track because they could be signals of something going wrong," he said.

Sen. Coley said the fact that overall spending in behavioral health remains below last year's total continues to raise red flags.

"From a budgeting standpoint, their concerns are not as overblown as we thought," he said.

Rep. Emilia Sykes (D-Akron) asked how much providers are being told about why a certain claim was denied.

"What does that look like moving forward so these folks can actually get what they need and we can actually find out whether this is why they're losing that funding?" she asked.

Medicaid Director Barbara Sears said providers are given codes explaining why a claim was denied, and that with larger denials, the department will reach out to providers to explain.

"I can't have my folks explaining how to bill Medicare or a third party, but what I can tell you is that now that we have moved to a national code set, it's easier for them to bill those services," she said.

The administration's comments didn't quell the Ohio Council's concerns about the plan to move ahead with the next step of the behavioral health redesign. CEO Lori Criss also pointed to prompt payment issues with one managed care plans as raising questions about the planned July 1 managed care carve-in. (*See separate story*)

"Today's discussion at JMOC reinforced that the state, managed care plans, and providers are not yet showing full signs of readiness for a July 1 move to managed care, especially with fewer than 8% of providers shown as being in a position to serve the same capacity that they served last year at this time," she said in an email.

"It's stunning to think that the administration can declare readiness when at the same time revealing that the Ohio Department of Medicaid has known for months but not shared that CareSource, which covers over 50% of Ohioans on Medicaid Managed Care, has violated their timely payment requirements."

Prompted by the council's survey, one Democratic lawmaker also announced Thursday that he would ask ODM to delay the planned carve-in by six months.

"Logistical issues during the rollout of the redesign plan have wreaked havoc on our healthcare providers, threatening care and forcing many to eliminate staff and essential services," Rep. Thomas West (D-Canton) said in a statement. "This is especially troublesome at a time when we continue to battle our worst-in-the-nation opioid crisis. Extending Phase I by six months will allow us to iron out the issues and refocus our efforts on what truly matters-delivering quality, affordable healthcare to Ohio families."

Retirement Study Council Approves 2019 Budget

The Ohio Retirement Study Council will see a slight spending increase under a budget approved by members Thursday.

The panel signed off on the \$781,800 budget request with little discussion after council Director Bethany Rhodes walked members through an overview. The annual increase is just above 1%, or \$8,450. The council receives no legislative appropriations and is funded through the plans' investment earnings.

The School Employees Retirement and the State Teachers Retirement systems also presented current drafts of their own budget proposals. Rising insurance costs, additional staff training expenses and increasing bank fees appear to be the common themes. (Committee Documents)

Rep. Rick Carfagna (R-Westerville) applauded the ORSC's budget for zeroing out a line item previously put aside for communication products like phones and internet.

Ms. Rhodes explained that because the council relocated to a state office building, it no longer needs to rely on a private vendor for those services. She said, however, that the line item would remain in the budget in case the council should relocate at some point in the future.

Ms. Rhodes said she was also successful in following through on members' prior instructions to attempt to extend the contract of the council's two actuaries - PTA/KMS and RVK - which were to expire in August. She said both agreed to extend the contracts another five years at the current rate.

Other systems: Representatives of the School Employees Retirement System and State Teachers Retirement System shared their own budget projections with the council, although SERS CFO Tracy Valentino said that system's proposal is still a work in progress and will likely be lower when it returns for council consideration.

SERS' proposed operating budget increased 4.3% over the current year, partly attributable to a 4.7% increase in personnel costs and a 5.5% increase in health insurance. All told, the total budget clocks in at just more than \$34 million - up from \$32.9 million the year prior.

Member Thomas Pascarella questioned Ms. Valentino on the increase in banking fees the system has seen. She replied that as the assets grow, so too do the custodial and related fees.

STRS CFO Paul Snyder said the system is eyeing a 2.2% increase - up from \$99.9 million to \$102 million - for its 2019 budget. He said the system has trimmed six full-time equivalent positions thanks to online efficiencies and teacher retirements - a fact Sen. Steve Wilson (R-Maineville) praised.

Recommendations: Senior Research Associate Jeff Bernard outlined staff's recommendation to remove a provision in the Ohio Revised Code requiring Highway Patrol Retirement System to conduct an annual adequacy contribution rate report.

Those reports, Mr. Bernard suggested, are duplicative and costly. The council, he noted, would still have the ability to request such a report if the change were adopted. System Executive Director Mark Atkeson said he supports the proposal.

Rep. Kirk Schuring (R-Canton) said the issue will be discussed at the group's next meeting along with whether similar requirements for other systems should likewise be eliminated.

The council also voted to recommend lawmakers modify maximum statutory penalties for systems failing to transmit either employee or employer contributions.

State Offers Guidance On Mental Health, Firearms; Chronic Pain Rule Available For Comment...

The Department of Mental Health & Addiction Services issued guidance this week to help mental health practitioners with questions surrounding mental illness and firearms.

The memo comes as the debate over firearms and particularly mass shootings continues at the state and federal level.

ODMHAS Medical Director Dr. Mark Hurst wrote to providers that the discussion demonstrates the important role they play in the conversation and in the prevention of violence.

Statistics show a relatively small number of violent acts directed toward others are committed by people with mental illness, and that people with mental illness are much more likely to use firearms to take their own lives, he wrote.

"When individuals with certain mental illnesses are actively experiencing symptoms, they may be impulsive, misperceive reality and have impaired judgment. If firearms are available, the risk to themselves and others increases markedly," he wrote.

"Health care providers have no duty more important than to maintain the wellness and safety of patients, families and the communities where they reside. This duty is accomplished by providing effective treatment for psychiatric disorders and substance use problems, as well as remembering our duty to address the risk that exists from access to firearms for those under mental health treatment."

Dr. Hurst recommended patients and their families be advised of the risks posed by firearm access, and the importance of mitigating them. He also stressed the importance of ensuring relevant documents are submitted to the Bureau of Criminal Investigation in the case of an involuntary commitment.

"While our clinical interventions alone will not eliminate all firearm-related injuries and deaths, they most certainly eliminate some of them," he wrote. "Even one life saved is worth it."

Chronic Pain Rules: The Ohio State Dental Board posted draft rules of proposed new regulations on the prescribing of opioid medications for chronic and subacute pain.

The proposed rules were announced last week by Gov. John Kasich and medical professional boards. They create a framework of checkpoints for prescribers when authorizing progressively stronger doses of opioid pain relievers. (See Gongwer Ohio Report, May 2, 2018)

Comments on the rules can be sent to the dental board via email with the rule number in the subject line, and with the Common Sense Initiative copied on the email. Comments will be accepted through Friday, May 18.

The board also expects to hold a public hearing on the rule in July.

Medicaid Waivers: A report by Policy Matters Ohio questioned research cited by federal health care regulators in supporting Medicaid waivers imposing work requirements on certain members.

PMO claimed the Centers for Medicare and Medicaid Services misstated or misinterpreted the findings of various academic studies in justifying a move toward additional work requirements for Medicaid members.

"Medicaid's mission is to improve the health of Americans struggling to make ends meet," Wendy Patton, PMO senior project director, said in a statement. "Good health is a precondition for work, not a reward for it. Nothing in academic literature justifies CMS's plan. In fact, in many cases, the research shows why this policy is flawed."

Agency Briefs: AG Approves Petition For Legalized Pot Issue; Arts Council Gets Nearly \$1 Million NEA Grant; Auditor; ODA; DAS

A resubmitted petition summary for a ballot issue to legalize marijuana in Ohio was approved Thursday by Attorney General Mike DeWine.

Backers of the proposed constitutional amendment, titled "Marijuana Rights and Regulations," will be cleared to begin collecting signatures after the Ohio Ballot Board determines whether the language requires a single or multiple issues.

Mr. DeWine's office determined that, unlike the committee's first attempt, the new petition summary represented "a fair and truthful statement of the proposed law."

Under the proposed amendment, which also prescribes how governments can restrict the use of marijuana in ways similar to alcohol-related laws, a new Ohio Constitution section would "endow the Rights of persons in Ohio age 21 and older to possess, cultivate, process, use, transport, sell, purchase and share marijuana in Ohio...."

Ohio Arts Council: For the ninth consecutive year, OAC is celebrating the award of the second-largest partnership agreement grant from the National Endowment for the Arts.

The \$995,800 received to help support arts initiatives throughout the state tops the amount granted to larger states such as Texas, Florida, New York, Illinois and Pennsylvania, OAC reported. (Details)

"Ohio has a long tradition of securing nearly \$1 million annually through the State and Regional Partnership Agreement program from the National Endowment for the Arts. We are proud to receive the largest award in the Midwest and the second largest award in the nation, OAC Executive Director Donna S. Collins said in a statement.

"Every dollar we earn from the NEA is invested in the arts statewide through our grantees. The federal investment in the arts in Ohio is important, not just the Ohio Arts Council grant award, but the 16 grants given this cycle in a variety of categories to arts organizations across Ohio."

State Auditor: Dave Yost has placed the Village of Bridgeport in Belmont County on the state's "unauditable" list due to a lack of documentation.

"During the course of the regular financial audit of the Village of Bridgeport for the period Jan. 1, 2016, through Dec. 31, 2017, the Auditor of State's office determined that the condition of the village's financial records was not adequate to complete the audit," his office reported. In a letter to the village, the Auditor's office provided a list of information required to complete the audit.

"Complete financial records shine a light on local governments," Auditor Yost said in a release. "Taxpayers should not be left in the dark on how their dollars are being spent."

The village has 90 days to respond to the letter by revising its financial records and providing the required data. Failure to do so could result in legal action.

In a separate release, Mr. Yost announced that Nicholas Szabo, the former city auditor of London in Madison County, pleaded guilty to theft in office "for his failure to reimburse the city for his health insurance costs and for an unauthorized pay increase for a fellow employee."

Mr. Szabo resigned in December. The auditor said he will be sentenced on the fourth-degree felony violation on June 7.

Mr. Yost also announced this week that a special audit of Mt. Sterling was recognized by the National State Auditors Association with an Excellence in Accountability Award.

"The award recognizes the office's work in uncovering extensive corruption and almost \$1 million in illegal spending at the small Madison County village," his office reported. "The special audit was instrumental in securing the convictions of four administrators

and employees, including former Mayor Charles Neff and former Village Administrator Joseph Johnson."

"The exemplary professionals of my office continually get results - and justice - for Ohio's taxpayers," Auditor Yost said. "This recognition from their peers is evidence of the first-rate work rooted in every audit and investigation they perform."

Department of Agriculture: The agency reported Thursday that an invasive species of hemlock-killing insects had been discovered in Adams County.

The hemlock woolly adelgid, an aphid-like Asian insect first reported in the U.S. in 1951, has devastated the trees in areas along the Appalachian Mountains and has been detected in 20 states.

The infestation in Adams County was discovered through the survey work being conducted by the ODNR Division of Forestry in Shawnee State Forest. The bugs were first detected in a forested setting in Ohio in Meigs County in 2012, the agency reported.

"At this time, ODA will move to expand its hemlock quarantine, enforced by ODA's Plant Health division, to include Adams County," ODA reported. "Ohio quarantine regulations restrict the movement of hemlock materials from areas known to be infested with HWA into non-infested Ohio counties. Ohio's quarantine law also requires hemlock materials to be inspected and officially certified before being shipped, verifying that the plant material is free of HWA when entering Ohio."

The agency separately announced that aerial treatments designed to control the gypsy moth population would begin soon in 54 acres in Franklin County. The treatments are administered using a low-flying aircraft and will likely take place during early morning hours, ODA said.

The department said it will use Foray (Btk), a naturally occurring bacterium found in the soil that interferes with the caterpillars' feeding cycles, adding that the substance is not toxic to humans, pets, birds or fish.

Administrative Services: The state will hold next miscellaneous surplus property auction on Saturday at the DAS General Services Division headquarters, 4200 Surface Rd. in Columbus.

Scaffolding and a Delta RS-15 shaper are among the unique items being sold at the auction, which also features "a wide variety of computer equipment (e.g., laptops, monitors and printers) and electronic appliances (e.g., copiers, digital cameras, DVD players, audio and video equipment and mobile radios).

Doors open at 8 a.m. and the auction begins at 9 a.m. More details are available on the DAS website.

Governor's Appointments

State Dental Board: Andrew W. Zucker, DDS of Sandusky for a term beginning May 10, 2018, and ending April 6, 2022 and Canise Y. Bean, DMD, MPH of Columbus and Faisal A. Quereshy, MD, DDS of Richfield for terms beginning May 10, 2018, and ending April 6, 2022.

University of Akron Board of Trustees: Cindy P. Crotty of Cleveland Heights has been appointed to the for a term beginning May 10, 2018, and ending July 1, 2026.

Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to gongwer@gongwer-oh.com.

Supplemental Agency Calendar

Monday, May 14

State Board of Education, 25 S. Front St., Columbus, 8:30 a.m.

Tuesday, May 15

State Board of Education, 25 S. Front St., Columbus, 8:30 a.m.

Wednesday, May 16

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Thursday, May 17

Aerospace & Aviation Technology Committee, Rm. 017, Statehouse, Columbus, 1:30 p.m.

17 S. High St., Suite 630

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Click the  after a bill number to create a saved search and email alert for that bill.

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Daily Activity Planner for Friday, May 11

Legislative Committees

No legislative committees scheduled.

Agency Calendar

Small Government Capital Improvements Commission, OWDA offices, 480 S. High St., Columbus, 10:30 a.m.

Event Planner

YMCA Youth & Government Model United Nations, Statehouse, Columbus

17 S. High St., Suite 630
Columbus Ohio 43215

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Legislative Committee Schedules beginning 5/11/2018

Monday, May 14

Joint Committee on Agency Rule Review (Committee Record) (Chr. Uecker, J., 644-6030), Senate Finance Hearing Rm., 1:30 p.m.

Tuesday, May 15

Senate Insurance & Financial Institutions (Committee Record) (Chr. Hottinger, J., 466-5838), Finance Hearing Rm., 9:30 a.m.

- SB 275** **NURSE ANESTHETISTS** (Burke, D.) Regarding the authority of certified registered nurse anesthetists to administer drugs in addition to anesthesia and to select and order certain other drugs. (1st Hearing-Sponsor)
- SB 247** **PERS HEALTH CARE** (Dolan, M.) To require the Public Employees Retirement System to permit certain spouses of retired or deceased members to continue receiving allowances to pay for health care expenses under the System's group health care plans. (1st Hearing-Sponsor)
- SB 263** **NOTARY PUBLIC** (Huffman, M., Wilson, S.) To enact the Notary Public Modernization Act. (3rd Hearing-All testimony-Possible amendments & vote)
- SB 265** **PHARMACY SERVICES** (Dolan, M.) To permit certain health insurers to provide payment or reimbursement for services lawfully provided by a pharmacist and to recognize pharmacist services in certain other laws. (2nd Hearing-Proponent)
- SB 273** **RATING AGENCIES** (Hackett, B.) To enact for the Revised Code a definition of the term "rating agency." (2nd Hearing-Proponent)
- Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 p.m.
- Confirmation hearing on governor's appointments of John Adams, CFA, Ohio Higher Educational Facility Commission; Rachel Bankowitz and Donald Brogan, RA, Ohio Historic Site Preservation Advisory Board; Charles Bills, Owens State Community College Board of Trustees; Thomas Carroll, Housing Trust Fund Advisory Committee; Rachel Cummings, Southern State Community College Board of Trustees; Matthew Davis, Ohio Business Gateway Steering Committee; Terrence Fergus, Cleveland State University Board of Trustees; Charles George, Youngstown State University Board of Trustees; Matthew Kirby, CFP, Ohio Tuition Trust Authority; Gary Lindgren and David Scholl, Third Frontier Commission; Austin McClain, Ohio University Board of Trustees; Jill Neff and Joshua Smith, Rio Grande Community College Board of Trustees and Rick Ritzler, Columbus State Community College Board of Trustees
- SB 296** **LAW ENFORCEMENT BENEFITS** (LaRose, F., Hottinger, J.) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (1st Hearing-Sponsor)
- HB 318** **SCHOOL RESOURCE OFFICERS** (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers, to require the

Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation. (1st Hearing-Sponsor)

SB 299

WATER IMPROVEMENTS (Gardner, R., O'Brien, S.) To allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. (1st Hearing-Sponsor & proponent)

HB 353

UNCLAIMED FUNDS (Reineke, B.) To exempt certain open-loop prepaid cards, closed-loop prepaid cards, and rewards cards from the Unclaimed Funds Law. (3rd Hearing-Opponent)

SB 246

STUDENT REMOVAL (Lehner, P., Manning, G.) To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation. (4th Hearing-All testimony-Possible amendments)

House Federalism & Interstate Relations (Committee Record) (Chr. Roegner, K., 466-1177), Rm. 115, 4 p.m.

HB 580

GRANT APPLICATIONS (Thompson, A.) To establish procedures that executive agencies must follow when applying for grants, to require the Governor to approve any major grant application, and to permit the Governor to disapprove any minor grant application. (1st Hearing-Sponsor)

HCR 26

JERUSALEM (Faber, K., Keller, C.) To recognize Jerusalem as the capital of the State of Israel. (1st Hearing-Sponsor)

HB 228

GUN LAWS (Johnson, T., LaTourette, S.) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. (6th Hearing-All testimony)

HB 85

HEALTH CARE COMPACT (Retherford, W.) To enter into the Health Care Compact. (2nd Hearing-All testimony-Possible vote)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

HB 544

SCHOOL SAFETY STANDARDS (Rogers, J., Perales, R.) To require the State Board of Education to adopt rules prescribing standards for safety enhancements to new public and nonpublic school facilities and to require the Ohio Facilities Construction Commission to revise its construction and design standards to comply with the State Board's standards. (1st Hearing-Sponsor)

SB 216 **SCHOOL REGULATIONS** (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs. (1st Hearing-Sponsor)

HB 517 **MONTH DESIGNATION** (Schaffer, T., Leland, D.) To designate the month of October as "Ohio Principals Month." (2nd Hearing-All testimony-Possible amendments & vote)

HB 540 **TEACHER EVALUATIONS** (Gavarone, T., Manning, N.) With regard to teacher evaluations. (3rd Hearing-All testimony-Possible amendments & vote)

HB 591 **SCHOOL REPORT CARDS** (Duffey, M.) To revise the state report card rating system for school districts and public schools. (1st Hearing-Sponsor & proponent-Possible substitute-Pending referral)

Senate Agriculture (Committee Record) (Chr. Hackett, B., 466-3780), South Hearing Rm., 4 p.m.

HB 392 **APIARY DAMAGES** (Stein, D.) To grant specified apiary owners immunity in personal injury or property damage cases involving bee stings. (2nd Hearing-Proponent)

HB 506 **DOG BREEDERS** (Hill, B.) To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)

Wednesday, May 16

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m.

SB 135 **VOTING EQUIPMENT** (LaRose, F.) To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program. (1st Hearing-Sponsor & proponent-Pending referral)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11:15 a.m.

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), North Hearing Rm., 3 p.m. or after session

- Confirmation hearing on governor's appointments of Timothy Staup, Motor Vehicle Salvage Dealers Licensing Board and Norman Lane, State Fire Council

SB 293 **ADMINISTRATIVE REGULATIONS** (Peterson, B., McColley, R.) To require agencies to reduce the number of regulatory restrictions. (1st Hearing-Sponsor)

SB 295 **ROAD NAMING** (Hottinger, J.) To designate a portion of State Route 93 in Tuscarawas County as the "PFC Oscar F. Nicewander Memorial Highway" and a portion of State Route 520 in Holmes County as the "Cpl. Jerry Robert Spitler Memorial Highway." (1st Hearing-Sponsor)

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 3:15 p.m. or after session

HB 360 **BULLYING** (Greenspan, D.) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (1st Hearing-Sponsor)

- HB 87** **COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. (2nd Hearing-Proponent)
- HB 438** **ESC BOARDS (Hambley, S., Kick, D.)** To permit the addition of appointed members to educational service center boards, to permit a local school district to sever its territory from one educational service center and annex that territory to an adjacent service center under specified conditions, and to authorize educational service centers to establish local professional development committees. (2nd Hearing-All testimony-Possible amendments & vote)
- HB 21** **COMMUNITY SCHOOLS (Hambley, S.)** Regarding verification of community school enrollments. (5th Hearing-All testimony-Possible amendments & vote)
- House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 113, 3:30 p.m. or after session
- HB 527** **VISITATION RIGHTS (LaTourette, S.)** To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. (1st Hearing-Sponsor)
- HB 572** **RETIREMENT CREDIT (Scherer, G., Howse, S.)** Regarding Public Employees Retirement System service credit for services as a nonteaching school employee of a county board of developmental disabilities. (1st Hearing-Sponsor)
- SB 158** **ELDER FRAUD (Wilson, S.)** To develop best practices and educational opportunities to combat elder fraud and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (1st Hearing-Sponsor)

Thursday, May 17

Joint Ohio College Affordability Committee (Chr. Wilson, S., 466-9739), Senate Finance Hearing Rm., 10 a.m.

- Presentation from Chancellor John Carey on past and current initiatives to reduce the cost of college education
- ~~Canceled: House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1 p.m.~~

- If needed

Tuesday, May 22

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

- If needed
- Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.
- If needed

Wednesday, May 23

Joint Education Oversight Committee (Committee Record) (Chr. Manning, G., 466-8150), North Hearing Rm., 8:30 a.m.


- Presentation by State Superintendent Paolo DeMaria and update on progress of other research projects (tentative)
- Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

Thursday, May 24

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1 p.m.

NOTE: Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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Sent: Friday, May 11, 2018 4:27 AM

To: Rep48

Subject: EXCLUSIVE: Immigration Court Overhaul Outlined In Draft Bill



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PUBLIC
POLICY

LEX MACHINA - 2018 Top Law Firm Report for Select Federal Litigation

Rankings across all of Lex Machina's practice area modules -- patent, antitrust, employment, product liability, securities, and more -- on the firms that have filed and defended the most cases. Request your copy here

Friday, May 11, 2018



TOP NEWS

EXCLUSIVE: Immigration Court Overhaul Outlined In Draft Bill

Sen. Kirsten Gillibrand, D-N.Y., is considering introducing sweeping legislation to overhaul the nation's immigration court system by establishing independent tribunals with trial and appellate divisions, according to a draft of the bill obtained exclusively by Law360 on Thursday. [Read more »](#)

Cleary, Skadden, Sidley Vets Among Latest Judicial Picks

President Donald Trump launched another bloc of court nominees Thursday, announcing picks for the Ninth Circuit and district courts in New York, Pennsylvania and Alabama, including a partner from Cleary Gottlieb Steen & Hamilton LLP and veterans of Skadden Arps



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LAW FIRMS

Slate Meagher & Flom, Simpson Thacher & Bartlett and Sidley Austin LLP. [Read more »](#)

Gass Weber Partner Overcomes Dems For 7th Circ. Seat

The Senate confirmed Gass Weber Mullins LLC partner Michael Brennan to a post on the Seventh Circuit on Thursday, despite Democrats' complaints that the appointment violated traditional U.S. Senate deference to home-state senators. [Read more »](#)

Starn O'Toole Vet Makes Headway Toward 9th Circ. Bench

President Donald Trump's choice for a Ninth Circuit vacancy sailed through the Senate Judiciary Committee with bipartisan support Thursday, putting one of the president's picks for the high-profile court on the Senate floor for the first time. [Read more »](#)

Feature

Trump To Unveil 4-Point Plan For Curbing Drug Prices

President Donald Trump on Friday will target drug prices with a four-point plan intended to boost the negotiating power of private Medicare plans, reduce list prices, ease out-of-pocket costs and tackle "freeloading" by countries that more aggressively limit prices, according to senior administration officials. [Read more »](#)

Analysis

New Tax Law's Impact On M&A Coming Into Focus

The new federal tax law was expected to change how deals get structured, and four months after its enactment, it is becoming clear how the legislation is having an impact on negotiations and tax planning strategies. [Read more »](#)

Giuliani Resigns From Greenberg Traurig Amid Trump Work

Addleshaw Goddard

Arnold & Porter

Bailey Cavalieri

Baker McKenzie

Bancroft PLLC

Barnes & Thornburg

Bienert Miller

Birch Horton

Blank Rome

Bracewell

Bricker & Eckler

Bryan Cave

Butler Snow LLP

Carter Ledyard

Cary Kane

Cleary Gottlieb

Cotsirilos Tighe

Covington & Burling

DLA Piper

Dechert

Dentons

Dickstein Shapiro

Dilworth Paxson

Dinsmore & Shohl

Earthjustice

Foley & Lardner

Fredrikson & Byron

Gass Weber

Gibson Dunn

Greenberg Traurig

Herbert Smith Freehills

Hodgson Russ

Hogan Lovells

Holland & Knight

Jones Day

Kaeske Law Firm

Kessler Topaz

Kirkland & Ellis

Former federal prosecutor and New York City mayor Rudy Giuliani has resigned from Greenberg Traurig LLP just weeks after he joined President Donald Trump's legal team, the law firm confirmed on Thursday. [Read more »](#)

BANKING & SECURITIES

Crypto-Mining Poses Tax Headache For IRS, Panelist Says

The proliferation of cryptocurrency mining represents a tax administration hurdle for the Internal Revenue Service, an attorney with the agency told a conference audience Thursday in Washington, D.C. [Read more »](#)

SEC Opens 'Best Interest' Broker Proposal To Public Comment

The U.S. Securities and Exchange Commission on Wednesday opened the public comment period on its proposal to hold brokers to a higher standard of care if they are giving advice to retail investors. [Read more »](#)

ENERGY & ENVIRONMENTAL

Analysis

State-Federal Rift Pushes Power Markets To Breaking Point

Backlash against regional grid operator PJM Interconnection LLC's recent proposal to blunt the impact of state subsidies for clean energy in so-called capacity markets where power producers are paid to meet future demand highlights growing tensions between state and federal electricity policies that have experts questioning whether these markets have a viable future. [Read more »](#)

Trump Policies And More Leave Oil Prices A Hazy Unknown

The fate of oil prices over the next year is hazy and fraught with potential volatility thanks to a cocktail of factors ranging from Trump administration policies, including the decision

Lane Powell
Law Office of Louise A. Herman
Linklaters
Mayer Brown
McDermott Will
Miller & Chevalier
Miller Mayer
Mishcon de Reya
Morgan Lewis
Morrison & Foerster
Norton Rose Fulbright
Oblon
Ogletree Deakins
Perkins Coie
Prickett Jones
Proskauer Rose
Quinn Emanuel
Sanford Heisler
Sedgwick LLP
Shipman & Goodwin
Sidley Austin
Simpson Thacher
Skadden
Starn O'Toole
Steptoe & Johnson LLP
Wallace & Graham
Wilkinson Barker

COMPANIES

Amazon.com Inc.
American Bar Association
American Immigration Council
American Immigration Lawyers Association
American Legislative Exchange Council
American Trucking Associations Inc.
Apple Inc.

to pull out of the Iran nuclear deal, to decreased production out of Venezuela and constraints on the Permian Basin, experts told oil and gas industry professionals gathered in Houston on Thursday. [Read more »](#)

EPA Floats Overhaul Of National Ozone Limits Review

The U.S. Environmental Protection Agency on Thursday said it will overhaul how it reviews national ozone limits by considering a range of adverse effects including economic and energy-related ones, following President Donald Trump's demand that the agency make it easier for states and industries to comply with national air emissions standards. [Read more »](#)

Enviros' CRA Challenge Over Nixed Hunting Rule Gets Tossed

A federal judge on Wednesday threw out a lawsuit brought by an environmental group to challenge the constitutionality of the Congressional Review Act after it was used under the Trump administration to roll back a U.S. Fish and Wildlife Service rule prohibiting certain hunting and trapping practices on protected federal lands in Alaska. [Read more »](#)

Feds Say Youth Climate Suit Defies Separation Of Powers

The federal government urged an Oregon federal judge Wednesday to toss a suit accusing federal agencies and the president of failing to protect future generations from the effects of climate change, arguing the relief sought in the case would violate the Constitution's separation of powers. [Read more »](#)

REAL ESTATE

Judge Stops Clock As Ohio Fights To Retain Soccer Team

An Ohio judge has stopped the clock on the statutory period during which the Columbus

Boehringer Ingelheim
Boston Scientific Corporation
Center for Biological Diversity Inc.
Center for Strategic and International Studies
Commerce and Industry Association of New Jersey
Electric Reliability Council of Texas Inc.
Enbridge
Expedia Inc.
Facebook
Federal Bar Association
Federation for American Immigration Reform
Financial Industry Regulatory Authority Inc.
Finjan Holdings Inc.
Fitbit Inc.
Flipkart Internet Pvt. Ltd.
Fortress Investment Group LLC
Hobby Lobby Stores
ISO New England Inc.
Immigration Reform Law Institute
Intellicheck Mobilisa Inc.
International Brotherhood of Teamsters
MAPFRE SA
MGM Grand Hotel LLC
MGM Resorts International
Major League Soccer LLC
McAfee, Inc.
Melaleuca Inc.
Microsoft Corporation
Mohegan Sun
NFL Enterprises LLC
National Rifle Association of America
National Right to Work Legal Defense Foundation

Crew soccer team must field offers from potential buyers before it moves to Texas, in a case with implications on states' influence over sports teams that have received public assistance. [Read more »](#)

EMPLOYMENT

NLRB Members Signal Plans To Review Blocking-Charge Rule

Two Republican members of the National Labor Relations Board signaled Wednesday that the agency may soon revisit its decades-old policy of pausing union elections when a party alleges that workers' freedom to choose whether they want to be represented by a union has been infringed. [Read more »](#)

NJ Lawmakers Advance Bill Limiting Noncompete Agreements

A New Jersey Assembly panel on Thursday advanced legislation to limit the scope of noncompete agreements amid concerns that the measure would jeopardize companies' efforts to protect their confidential information and drive away businesses from the state. [Read more »](#)

CYBERSECURITY & PRIVACY

As GDPR Looms, UK Biz Get Guidance On Consent Rules

The U.K.'s privacy regulator has issued its final guidance to businesses that will need to gain consent to process personal data under the European Union's General Data Protection Regulation, a sweeping new data regime that comes into force in just two weeks. [Read more »](#)

CONSUMER PROTECTION

Law Firm Cites Mulvaney In 9th Circ. Challenge To CFPB

A California law firm that's asking the Ninth Circuit to free it from a Consumer Financial

Nevro Corp.
PJM Interconnection LLC
Pacific Legal Foundation
Professional Insurance Agents
QUALCOMM Incorporated
SK Hynix Inc.
Savills Studley Inc.
Schlumberger Limited
Shire PLC
Southwest Power Pool Inc.
State Bar of California
Takeda Pharmaceutical Co. Ltd.
Talen Energy Corp.
TripAdvisor Inc.
United Mine Workers of America
Viking Global Investors
Wal-Mart Stores Inc.
Wells Fargo & Co.
Zillow Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Central Intelligence Agency
Connecticut General Assembly
Consumer Financial Protection Bureau
European Union
Executive Office for Immigration Review
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Fish and Wildlife Service

Protection Bureau civil investigative demand pressed its challenge to the constitutionality of the agency's structure on Wednesday, citing recent criticism from CFPB acting Director Mick Mulvaney that the agency he leads "is far too powerful." [Read more »](#)

GOVERNMENT CONTRACTS

Attys Who Sued Hastert In FCA Row Spared Sanctions

Attorneys representing a would-be whistleblower in a False Claims Act suit against former U.S. House Speaker Dennis Hastert will not be sanctioned for filing the suit after settling the dispute with Hastert, an Illinois federal judge ruled Wednesday. [Read more »](#)

AEROSPACE & DEFENSE

Analysis

Iran Deal Exit To Cast Shadow Over Future Negotiations

President Donald Trump's decision to withdraw from the 2015 Iran nuclear deal has cast the U.S. as an unreliable ally and negotiator in the eyes of both allies and adversaries, and the effects on future international deals will be hard to shake, attorneys say. [Read more »](#)

Trump's Military Parade Stays In \$717B House Defense Bill

The House Armed Services Committee wrapped up consideration of its \$717 billion version of the 2019 National Defense Authorization Act early Thursday, with the final bill continuing to support President Donald Trump's proposed military parade, among several contentious clauses. [Read more »](#)

INTERNATIONAL TRADE

Commerce Chief Ross Upbeat On China Trade Talks

Commerce Secretary Wilbur Ross said Thursday that he was optimistic about the

Food and Drug Administration
Government Accountability Office
Internal Revenue Service
Leech Lake Band of Ojibwe
Mashantucket Pequot Tribal Nation
Mohegan Tribe
NAFTA
National Labor Relations Board
Port Authority of New York & New Jersey
Securities and Exchange Commission
Solicitors Regulation Authority
U.S. Air Force
U.S. Army
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United States Court of Appeals for the Third Circuit
World Trade Organization

Trump administration's ongoing trade discussions with China on everything from industrial policy to intellectual property rules, saying that last week's trip to Beijing laid a solid foundation for future talks. [Read more »](#)

State Lawmakers Rally For NAFTA Investment Protection

As officials negotiating the North American Free Trade Agreement continued to huddle in Washington, D.C., Thursday to strike a final deal, a slew of state legislators pressed them to secure the agreement's controversial arbitration system for foreign investors. [Read more »](#)

BANKRUPTCY

GAO Proposes Tightening Debt To Address Puerto Rico Crisis

The Government Accountability Office has suggested increased federal regulation of Puerto Rico's issuing of debt will help it recover from its debt crisis, with the territory countering that the federal office overlooked the structural inequality underlying its financial condition. [Read more »](#)

IMMIGRATION

Analysis

3 Immigration Rules To Watch In Trump's Spring Agenda

The Trump administration published its spring regulatory agenda on Wednesday, highlighting proposed policies that would implement key structural changes at the office that oversees immigration courts, increase investment requirements for EB-5 visas and revoke a visa program for entrepreneurs. Here, immigration attorneys examine the key provisions to watch in the coming months. [Read more »](#)

Open Immigration Cases Increase, DOJ Unit's Report Says

The number of pending immigration cases increased by 7 percent during the first six months of the current fiscal year, while the median completion time for cases involving detainees continued to tick down, according to new statistics from the federal Executive Office for Immigration Review. [Read more »](#)

Immigration Group Sues 2nd Ind. City Over Welcoming Policy

The legal arm of an organization that calls for lower immigration levels on Wednesday filed its second lawsuit challenging the legality of ordinances in Indiana communities that call for the towns to be welcoming to immigrants and for authorities to not cooperate with federal immigration-related requests unaccompanied by court orders. [Read more »](#)

NATIVE AMERICAN

Enbridge, Tribe Slam ALJ Report Rejecting New Pipeline Route

The company behind a pipeline replacement project on Wednesday opposed an administrative law judge's recommendation that the company's new pipeline should be constructed only on the route of the one already there, a sentiment echoed by a Native American band. [Read more »](#)

Conn. Tribal Casino Plan Gets Boost As Rival Bill Falls Short

The Connecticut General Assembly ended its legislative session late Wednesday without voting on a bill that could have paved the way for a proposed MGM Resorts casino in Bridgeport, a project that would have posed a major obstacle to the Mohegan and Mashantucket Pequot's own plans to open a new casino in the state. [Read more = 2](#)

TELECOMMUNICATIONS

FCC Refuses To Reduce \$120M Robocalling Fine

The Federal Communications Commission on Thursday cemented a \$120 million spoofing fine against a Miami man, voting to ink the previously proposed penalty after finding that Adrian Abramovich's robocalling activity and former Telephone Consumer Protection Act violations were enough to merit the full amount. [Read more »](#)

Net Neutrality Sunset Date Set For June

The Obama-era net neutrality rules that controlled how internet service providers treated online traffic and classified internet services as utilities will officially be wiped from the books on June 11, the Federal Communications Commission said Thursday morning. [Read more »](#)

GWB Figures Say Salary Expenses Can't Sustain Convictions

Two former associates of ex-New Jersey Gov. Chris Christie told the Third Circuit on Wednesday that prosecutors have not proven they misused government resources worth at least \$5,000 in causing politically motivated gridlock at the George Washington Bridge, marking the threshold needed to sustain some of their convictions in the scandal. [Read more »](#)

PEOPLE

Dechert Adds Ex-White House Atty To Litigation Team

Dechert LLP has strengthened its global litigation practice with the addition of a former White House attorney who successfully steered Neil Gorsuch to his confirmation as a U.S. Supreme Court justice last year and helped the NFL spike Tom Brady's challenge to his suspension over the "Deflategate" scandal. [Read more »](#)

EXPERT ANALYSIS

Congressional Forecast: May

Congress returned to Washington, D.C., this week for a three-week work period before the Memorial Day recess. The Republican majority is aiming to meet deadlines on several priority items, including fiscal year 2019 appropriations bills and renewed program authorizations for agriculture, defense and the Federal Aviation Administration, say Layth Elhassani and Kaitlyn McClure of Covington & Burling LLP. [Read more »](#)

Growing Caregiver Benefits In The US Workplace And Beyond

As Mother's Day approaches and more initiatives in the U.S. and around the world are aimed at increasing opportunities at work for working mothers (and caregivers more generally), attorneys with Baker McKenzie discuss recent benefits made available to these employees and review updates multinational employers need to know. [Read more »](#)

The District Court Split On Pleading Indirect Infringement

District courts have diverged over the years as to what the proper standards should be for pleading indirect patent infringement. The Federal Circuit or Congress should resolve this inconsistency, says Joseph Saltiel of Dinsmore & Shohl LLP. [Read more »](#)

8 Reasons To Take A Fresh Look At Your Law Office Lease

After moving into a new law office, tenants often file their signed leases away, figuring that the terms are set for a few years at least. However, leases can be very flexible instruments, and should be reviewed annually even if nothing seems amiss, says Tiffany Winne of Savills Studley Inc. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Sanford Heisler's David Sanford

David Sanford of Sanford Heisler Sharp LLP enhanced his already prodigious reputation as a top-tier plaintiffs' side attorney over the past year by working to resolve high-profile gender discrimination suits against Chadbourne & Parke LLP and Sedgwick LLP, earning him a place among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Review

'RBG' An Intriguing Look At The Most Meme-Worthy Justice

The new documentary "RBG" paints an entertaining portrait of U.S. Supreme Court Justice Ruth Bader Ginsburg and her contributions to American law and society, even as the film suggests that some of her most important work happened decades before she joined the high court. [Read more »](#)

Quinn Emanuel Ousts UK Atty After Misconduct Allegations

Quinn Emanuel Urquhart & Sullivan LLP dismissed a London partner without pay on Tuesday following an investigation into allegations of improper behavior brought by two staffers, the firm said in a statement. [Read more »](#)

Calif. High Court Approves Rules Revamp For Atty Conduct

For the first time since 1987, the California Supreme Court on Thursday approved major revisions to the rules of professional conduct for in-state attorneys, adding new guidelines that address advertising, conflicts of interest, sexual relations with clients, and a host of other concerns. [Read more »](#)

For-Profit Law School Sues ABA Over Enforcement Action

Florida Coastal School of Law filed suit Thursday against the American Bar Association, which recently determined the

school had failed to meet ABA standards, saying the association's enforcement actions have been inconsistent, its standards are vague and that the action against Florida Coastal was an "attack on diversity." Read more »

Law360's Weekly Verdict: Legal Lions & Lambs

Linklaters snagged the title of top legal lion this week, guiding Takeda in its \$62.1 billion acquisition of rare disease-focused drugmaker Shire, while Arnold & Porter ended up on the legal lambs list after a federal judge sanctioned the law firm for filing frivolous motions on behalf of Boston Scientific in a patent infringement suit. Read more »

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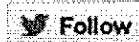
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From: Public Policy Law360
Sent: Tuesday, May 15, 2018 4:57 AM
To: Rep48
Subject: Supreme Court Blows Door To Sports Betting Wide Open



Tuesday, May 15, 2018



TOP NEWS

Analysis

Supreme Court Blows Door To Sports Betting Wide Open

The U.S. Supreme Court's decision Monday to strike down a federal ban on sports betting was perhaps more forceful than even the gambling industry anticipated, potentially giving states wide latitude to offer mobile and online betting options without running afoul of other federal laws. [Read more »](#)

Analysis

High Court Sports Bet Ruling Could Mean Bonanza For Tribes

The U.S. Supreme Court's decision Monday to strike down a federal sports betting ban offers Native American tribes a promising avenue to expand their gaming businesses, but how lucrative it is depends on how adept tribes can be in working with states to secure their place in the sports betting game, experts say. [Read more »](#)

High Court Strikes Down Federal Sports Betting Ban

The U.S. Supreme Court on Monday struck down a federal law prohibiting states from legalizing sports betting, a ruling that opens the



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LAW FIRMS

Aerlex Law Group
Altshuler Berzon
Anthony Kennedy PC
Boyle Brasher
Buchalter PC
California Appellate Law Group
LLP
Capstone Law APC

door to legalizing sports betting in states across the country. [Read more »](#)

Skadden Partner, Judge Confirmed As New 7th Circ. Judges

The Senate on Monday confirmed Skadden Arps Slate Meagher & Flom LLP partner Michael Y. Scudder Jr. and U.S. District Judge Amy J. St. Eve for the Seventh Circuit in a rare bipartisan vote for President Donald Trump's nominees. [Read more »](#)

NRA Can't Use Pseudonyms In Suit Challenging Fla. Law

A Florida federal judge ruled Sunday that the National Rifle Association can't use pseudonyms for plaintiffs in litigation challenging a provision banning firearm sales to anyone younger than 21 that was passed in response to the shooting that left 17 dead at Marjory Stoneman Douglas High School. [Read more »](#)

4 Things To Watch As FERC Sets Sights On Pipeline Policies

From revamping 20-year-old guidelines for approving natural gas pipelines to sparking a massive rewrite of oil and gas pipeline contracts, the Federal Energy Regulatory Commission is working on several policy changes that could reshape how the pipeline industry does business. Here are four issues percolating at FERC that pipeline companies are watching closely. [Read more »](#)

Calif. Asks 9th Circ. To Revive Large-Capacity Magazine Ban

A California federal judge erred in temporarily halting enforcement of a new state ban on large-capacity ammunition magazines, the California attorney general's office told a Ninth Circuit panel Monday, arguing the lower court had abused its discretion in finding the gun law likely violated the Second Amendment. [Read more »](#)

Casillas Santiago
Constangy Brooks
Cooper & Kirk
Crowell & Moring
Curtin & Heefner
Davidoff Hutcher
Fenwick & West
Fisher Phillips
Frost Brown Todd
Gass Weber
Gibbons PC
Gibson Dunn
Hausfeld
Hogan Lovells
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
Kohn Kohn
Latham & Watkins
Lewis Roca
Lillard Wise
Mayer Brown
McDermott Will
McElroy Deutsch
Morgan Lewis
Morrison & Foerster
Munger Tolles
Nichols Kaster
Norton Rose Fulbright
O'Melveny & Myers
Ogletree Deakins
Orrick Herrington
Outten & Golden
Pashman Stein
Paul Hastings
Paul Weiss
Pomerantz LLP
Quinn Emanuel

BANKING & SECURITIES

Dems Press SEC Over Facebook Wildlife Trafficking Claims

A pair of Democratic lawmakers urged the head of the U.S. Securities and Exchange Commission on Monday to investigate accusations that Facebook has failed to tell shareholders about the illegal trafficking of endangered species taking place on the website. [Read more »](#)

ENERGY & ENVIRONMENTAL

Gas Well Permits Don't Violate Pa. Constitution, Panel Says

A panel of administrative law judges has found that Pennsylvania regulators properly exercised their roles as environmental trustees under the state's constitution as they approved permits to a Rex Energy Corp. unit for a cluster of natural gas wells in Butler County. [Read more »](#)

Former EPA Judge Advanced To Lead NJ Enviro Agency

Former U.S. Environmental Protection Agency Judge Catherine McCabe vowed Monday to take a "fair and balanced" approach in leading the New Jersey Department of Environmental Protection and to protect state residents when the federal government is "letting us down," before a state Senate panel advanced her nomination for the post. [Read more »](#)

Enviros, Kids Defend Suit Over Gov't 'Indifference To Science'

The Clean Air Council and two children accusing the U.S. government of rolling back environmental regulations with "reckless indifference to science" urged a Pennsylvania federal judge Friday not to toss their claims, arguing that the government mischaracterized

Reed Smith
Robbins Russell
Sanford Heisler
Schlichter Bogard
Skadden
Steptoe & Johnson LLP
Walder Hayden
White & Case
Williams Law Group LLC

COMPANIES

Abbott Laboratories
Aeropostale, Inc.
Air Transport Association of America
American Civil Liberties Union
American Gaming Association
American Psychological Association
Aspen Technology Inc.
Associated Press
Avis Budget Group Inc.
BNSF Railway
Bank of America Corporation
Barclays PLC
Business Roundtable
Cable News Network Inc.
Credit Suisse Group AG
Delaware Riverkeeper Network
Delta Air Lines Inc.
Electronic Frontier Foundation
Exxon Mobil Corporation
FTI Consulting Inc.
Facebook
Google Inc.
Koch Industries Inc.
LinkedIn Corp.
Magellan Midstream Partners, L.P.
Major League Baseball Inc.

their suit as violating the separation of powers.
[Read more »](#)

HEALTH & LIFE SCIENCES

Top Senate Dem Wants Info On Cohen-Novartis Dealings

The top Democrat on the Senate Finance Committee has opened an inquiry into the business dealings between Novartis and Michael Cohen, President Donald Trump's personal lawyer, after the pharmaceutical company said it paid Cohen's firm \$1.2 million over the course of a year for health care policy guidance. [Read more »](#)

IP & TECHNOLOGY

Federal Standards 'Not Copyrightable,' DC Circ. Told

Private industry standards lose copyright protection when they are later turned into mandatory federal regulations, a public records nonprofit asserted in oral arguments Monday in urging a D.C. Circuit panel to upend a decision granting that protection to industry standards that ultimately were incorporated into federal requirements. [Read more »](#)

EMPLOYMENT

Analysis

9th Circ. Punt In Airline Wage Row Leaves Carriers On Edge

The Ninth Circuit's recent request that the California Supreme Court clarify how far-reaching the Golden State's wage laws really are puts the airline industry on edge that it may face additional administrative burdens of complying with a patchwork of state wage-statement statutes, industry observers say. [Read more »](#)

Trump To Tap Investment Manager To Take Over PBGC

McKinsey & Company
NBCUniversal Inc.
NFL Enterprises LLC
National Basketball Association
National Collegiate Athletic Association
National Hockey League
National Rifle Association of America
Netflix Inc.
New York State Bar Association
New York Times Co.
New York University
Nordstrom Inc.
Norfolk Southern Corporation
Novartis AG
PayPal Inc.
Petrobras
Rex Energy Corp.
Spotify Technology SA
Staples Inc.
Starbucks Corporation
Trump Organization Inc.
Twitter Inc.
U.S. Chamber of Commerce
United Continental Holdings Inc.
United Therapeutics Corporation
ZTE Corp.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
California Department of Justice
Centers for Medicare & Medicaid Services
Department of Commerce
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission

President Donald Trump plans to tap investment manager Gordon Hartogensis to replace W. Thomas Reeder Jr. as the director of the Pension Benefit Guaranty Corp., the safety net for the nation's flailing multiemployer pension plans, the White House announced Monday. [Read more »](#)

CYBERSECURITY & PRIVACY

Justices Back Unlisted Driver Over Search Of Rental Car

The U.S. Supreme Court on Monday reversed a lower court's ruling that a man driving his fiancée's rental car did not have a reasonable expectation of privacy because he was not on the rental agreement, resolving a circuit split and lending hope to his appeal of a 10-year prison sentence on drug charges. [Read more »](#)

INTERNATIONAL TRADE

USTR Prepares For Onslaught Of China Tariff Opposition

The Office of the U.S. Trade Representative on Monday announced three days' worth of public hearings at which scores of powerful business groups are expected to voice their opposition to the Trump administration's plan to counter China's intellectual property practices with hefty tariffs. [Read more »](#)

TAX

Opportunity Zones Good Result From TCJA, Sen. Booker Says

The "opportunity zones" created by the recent federal tax overhaul are Washington, D.C.'s best-kept secret and could be a game changer for low-income communities, New Jersey Democratic Sen. Cory Booker told Law360 Monday. [Read more »](#)

Seattle Council OKs Lower \$50M Annual Head Tax On Big Biz

Federal Energy Regulatory Commission
Food and Drug Administration
Internal Revenue Service
New Jersey Department of Environmental Protection
Office of the U.S. Trade Representative
Pension Benefit Guaranty Corp.
Securities and Exchange Commission
U.S. Department of Education
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Supreme Court
United States District Court for the Eastern District of Pennsylvania
World Trade Organization

After weeks of controversy during which online retail giant Amazon paused the planning of construction on a major city project, the Seattle City Council voted Monday to approve a scaled-down, nearly \$50 million annual head tax on large corporations. [Read more »](#)

High Court To Hear If Damages For Rail Staff Can Be Taxed

The U.S. Supreme Court agreed Monday to hear a petition from BNSF Railway Co. over whether payroll taxes should be deducted from compensation owed to a former employee for lost wages in connection with a workplace injury. [Read more »](#)

BANKRUPTCY

Puerto Rico Rejects Bondholders' \$10B Sales Tax Deal

Two groups of Puerto Rican bondholders on Monday announced a proposal to cut the island's debt by \$10 billion by putting a portion of sales tax revenue in a trust to be split between them, but the island's government and financial overseers predicted fiscal woes if the plan were adopted. [Read more »](#)

IMMIGRATION

Feature

Will The House Come Through With A Solution For Dreamers?

After eight months of negotiations over a legislative replacement for the Obama-era Deferred Action for Childhood Arrivals program, House Republicans introduced a discharge petition last week that, with 218 signatures, would immediately send several immigration bills to the floor for a vote. Here, Law360 examines the proposals and the petition's likelihood of success. [Read more »](#)

USCIS Changes Unlawful Presence Calculation For Students

U.S. Citizenship and Immigration Services is changing the way it calculates unlawful presence for foreign visitors in the U.S. on student or exchange visas who fail to maintain their status, by starting the clock immediately after their authorized activity concludes instead of when they are found in violation. [Read more »](#)

New Bill Would Make Border Patrol Collect Data On Searches

New legislation recently introduced by Sen. Kirsten Gillibrand, D-N.Y., would require border patrol agents to keep records of their border security stops and searches in an effort to increase oversight of the government agencies enforcing the nation's immigration laws [Read more »](#)

TELECOMMUNICATIONS

Senate Set To Vote On Nixing Net Neutrality Rollback

A long-awaited Senate vote that could set in motion the nullification of the Federal Communications Commission's net neutrality deregulation is scheduled for Wednesday, Senate Democrats said Monday. [Read more »](#)

White House Looks To Mitigate Trump's ZTE Reversal Fallout

President Donald Trump's apparent decision to spare Chinese telecom giant ZTE Corp. after its Iran and North Korean sanctions violations sent the White House into damage control mode Monday as it stressed that the U.S. Department of Commerce would be making an "independent" decision on the matter. [Read more »](#)

FCC's Pai OKs Call Authentication Plan To Beat Robocalls

Phone call authentication to combat "spoofed" robocalls assuming a fake number is one step closer after Federal Communications Commission Chairman Ajit Pai on Monday

accepted recommendations from a federal advisory committee for selecting a "governance authority" to implement the authentication framework. [Read more »](#)

WHITE COLLAR

Russian Co. Indicted By Mueller Calls Case 'Make-Believe'

A Russian company that allegedly backed an effort to sway the 2016 presidential election asked a federal judge Monday to review the confidential instructions Robert Mueller gave the grand jury, saying the special counsel sought to "justify his own existence" by indicting "a Russian — any Russian." [Read more »](#)

Feds Blast Manafort's Bid For Hearing Into Grand Jury Leaks

Federal prosecutors Monday filed an opposition to former Trump campaign chairman Paul Manafort's request that a Virginia federal court conduct a hearing about alleged leaks related to his pending case on bank fraud charges, saying the press reports Manafort pointed to did not provide specific evidence of wrongdoing. [Read more »](#)

PEOPLE

Quinn Emanuel Nabs Ex-Acting US Attorney For Boston Office

The former acting U.S. Attorney for the District of Massachusetts — best known for leading the case against the Boston Marathon bomber — has joined Quinn Emanuel Urquhart & Sullivan LLP, the firm announced. [Read more »](#)

Ex-SEC Senior Counsel Joins MoFo In New York

After more than a decade at the U.S. Securities and Exchange Commission, the agency's former senior trial counsel has decamped for Morrison & Foerster LLP to seek

out fresh challenges and take on new clients.
[Read more »](#)

EXPERT ANALYSIS

Challenges In Billing Physician Observation Services

Emergency department overcrowding is a well-documented problem in today's hospitals. But as processes for admitting patients to observation care have changed to expedite patient throughput, hospitals could be at risk for billing noncompliance due to a long-standing and possibly overlooked regulation in the Medicare Billing and Claims Manual, says Debbie Sconce of FTI Consulting Inc. [Read more »](#)

Opinion

Recovering Lawyers' Lost Position Of Independence

In these politically divisive times, many ask whether our institutions and traditions can help us return to a greater consensus. In days long past, the legal profession could have been counted on to serve just such a function. But lawyers are now just as polarized as everyone else, says Samuel Samaro of Pashman Stein Walder Hayden PC. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Pomerantz's Jeremy Lieberman

Pomerantz LLP's Jeremy Lieberman led a \$3 billion settlement for investors in a class action over Brazilian energy giant Petrobras' corruption scandal, achieving a record sum and key legal ruling along the way to land him a spot on Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Feature

The Problem With Becoming A Parent In BigLaw

A recent lawsuit against Morrison & Foerster alleging discrimination against women who have children illuminates a question looming over the legal industry: Are law firms truly welcoming to mothers, or are their parental leave policies merely lip service? [Read more »](#)

3 Ex-Ogletree Deakins Attys Enter \$300M Gender Bias Suit

Three former Ogletree Deakins Nash Smoak & Stewart PC attorneys have added their names to a \$300 million gender discrimination class and collective action against the firm, according to an amended complaint filed Friday in California federal court, which also added Ogletree Deakins' managing shareholder as a named defendant. [Read more »](#)

50 Law Schools Ask Recruiting Firms If They Require NDAs

Fifty of the nation's top law schools have asked firms recruiting on campuses to complete a survey regarding their use of mandatory arbitration and nondisclosure agreements, following reports that some BigLaw firms have required summer associates to sign agreements covering sexual harassment and other workplace misconduct. [Read more »](#)

Law Firm Rates, Demand Continue Upward Climb In 2018

Law firm billing rate increases and demand growth were the driving factors of revenue improvement in the first quarter of 2018, according to a law firm industry report released Monday by Citi Private Bank's law firm group. [Read more »](#)

Interview

15 Minutes With Hilton's General Counsel

Having a broad and diverse legal team at Hilton is critical to Kristin Campbell, the hotel brand's executive vice president and general counsel. For example, women constitute at least half of her senior leadership team and the

overall population of attorneys in the legal department. She also recently shared with Law360 how the piña colada, Waldorf salad and chocolate brownie are related to the company. [Read more »](#)

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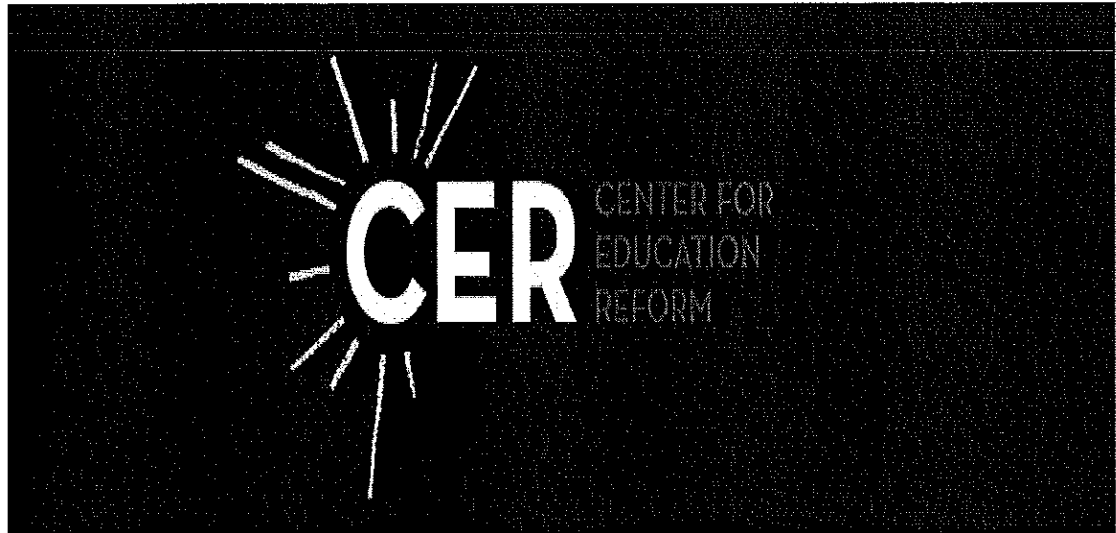
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A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

REFLECTIONS. Last week America celebrated National Charter Schools Week. In the 27 years since the founding of the charter school movement, tremendous progress has been made in the number of schools established, and in the wealth of innovative opportunities they offer to children, families, teachers and communities.

Each day of NCSW, schools, educators, advocates and thought leaders produced a combo of thousands of stories, data points and reflections about the role charters have played in transforming how public education works. Parents, policy advocates, legislators – and some of brightest minds in the

areas of education technology, pedagogy, curriculum, teaching and learning have helped create a vibrant environment for student success among more than 3 million students who annually benefit from charter school education. As we reported last week however, despite that success, the reality is charters are "Opportunities Under Siege." We took an unflinching look at the forces and foes that could jeopardize all the hard-fought victories and advancement of the innovation and opportunity that 7,000 charter schools have delivered.

Check out this dedicated web resource site, daily releases, Op-Eds, media engagement, social media, videos and Reality Check with Jeanne Allen podcasts with pioneers and advocates such as Success Academy founder Eva Moskowitz, charter innovator, scholar and author, Sarah Tantillo and respected pioneer who participated in the birth of the modern Charter School Movement, Howard Fuller. We explored the drivers of change, diversity and world-class education and those who strive to un-do this vital work. Our goals for this week were to galvanize charter school educators and administrators against teachers' union pressures for strikes and walkouts, dispel false claims to set the record straight in the media, reenergize parents and students, and bring urgency to legislators to pass strong charter laws and fund the ones already passed.

LOOMING STORM CLOUDS IN NORTH CAROLINA gather as union-backed strikes are scheduled for Wednesday May 16th in Raleigh with attendance expected to be high. This is another in a wave of coordinated efforts to engage charter school teachers to abandon their classrooms and their students under the façade of solidarity to suit their own agenda, optics and ultimately their coffers. This is the fifth in a series of walk-outs and sick-outs being encouraged by the National Education Association (NEA). The first was in West Virginia and lasted nine days. Subsequently, the NEA encouraged teachers in Oklahoma to walk, even though they won a 16 percent raise from the Oklahoma legislature before the nine-day walk-outs even began. Then there was Kentucky, followed by Arizona where new money for schools was already on the table prior to that walk-out as well.

A WORD TO ALL CHARTER EDUCATORS: While we appreciate that teachers are naturally collaborators, this national walk-out strategy is designed to undermine the very freedoms that charter schools afford not only their families but all who work there. The NEA believes all charters should fall under the same rules as traditional public schools, which, in effect, would make them no different than traditional schools. They fight charter schools in school halls and state halls. They are calling it a walk-out because the public does not like strikes, and they have poll-tested the words. (***The NEA spends \$34 million a year on its communications.***) And they are calling it a walk-out because they don't have the authority to make anyone do anything in a right-to-work state. However, this is a strike, plain and simple. And by striking with the union, you are joining the fight to close charter schools.



FOLLOW-UP TO:
**THE CASE FOR
EDUCATION
TRANSFORMATION**
Part I. The Disappointing
Reality of American
Education
*First released –
February 2018*

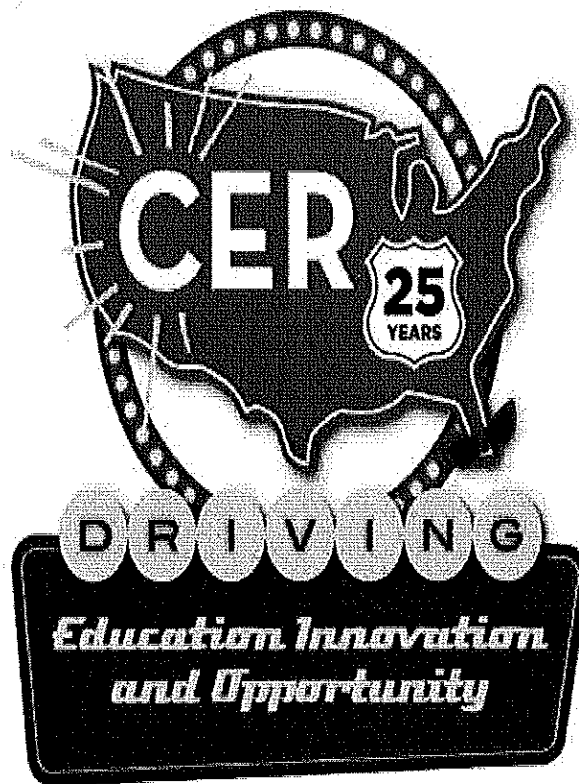
THE CASE FOR EDUCATION TRANSFORMATION

Part II. Opportunity

MAY 2018

THE CASE FOR EDUCATION TRANSFORMATION: CER released the second in a three-part series for The Case for Education Transformation - Opportunity. Following last month's release of Part I– The Disappointing Reality of American Education, which included 2018 National Assessment of Educational Progress (NAEP) alarming data revealing that the lowest performing students in the nation are faring worse than they did on the same assessment in 2015. Part II also assesses what a new opportunity agenda should look like and presents a strategic road map to achieve it.

CER SALUTES 20 YEARS OF EMPOWERING FAMILIES. The Children's Scholarship Fund is 20 years old, and celebrates this milestone tonight in NYC. If you are in New York City – COME! Tickets are available to join the celebration and special memories of visionary founders Ted Forstmann and John Walton. And at CSF's helm for the entire 20 years the organization has been supporting more than 166,000 students with scholarships is president and chief operating officer, Darla Romfo. We spoke with her on this week's Reality Check with Jeanne Allen. Hear why even with today's availability of greater educational choices, Darla says CFS's work is more important than ever, "It's still the right thing to do – to keep trying to make a difference," she urges, "You can never give up."



Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans –

particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

The Center for Education Reform
1455 Pennsylvania Ave, NW, Suite 250
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Subject: Senate Confirms Trump's Picks For 6th, 10th Circuits



Wednesday, May 16, 2018



TOP NEWS

Senate Confirms Trump's Picks For 6th, 10th Circuits

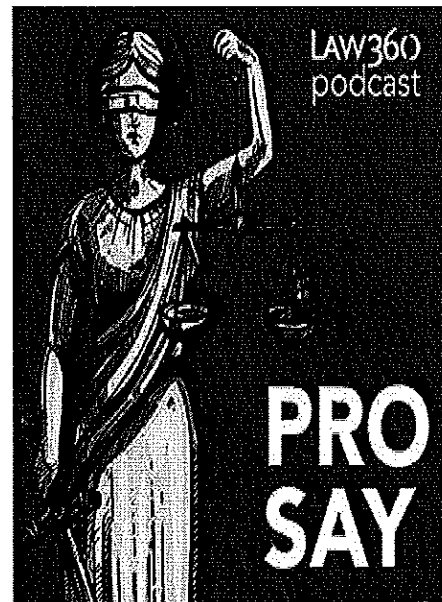
The Senate approved Taft Stettinius & Hollister LLP partner John Nalbandian for the Sixth Circuit and Carson Ryan LLC principal Joel M. Carson III for the Tenth Circuit on Tuesday, the latest in a flurry of appellate judicial confirmations in the past two weeks. [Read more »](#)

US Seeks To Sink Challenge To Trump's '2-For-1' Order

The federal government has told a D.C. district court that public interest groups have again failed to show that they properly brought suit against President Donald Trump's executive order that said for every new regulation, two have to be repealed, arguing that the groups can't demonstrate the order caused specific harm. [Read more »](#)

DHS Releases New 5-Point Plan For Fighting Cyber Threats

The U.S. Department of Homeland Security on Tuesday unveiled a new national plan for combating cybersecurity threats, as officials grapple with a growing list of risks and malicious hackers. [Read more »](#)



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LAW FIRMS

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Altshuler Berzon
Baker Donelson
Bernstein Shur
Best Best & Krieger
Carella Byrne
Chamberlain Hrdlicka
Clarence Dyer

FDA Cigar Warnings Don't Violate 1st Amendment, Judge Says

A D.C. federal judge on Tuesday ruled that required health warnings on cigars don't violate the First Amendment since they're aimed at informing the public of health risks in a suit brought by advocacy groups representing smokers and industry against the U.S. Food and Drug Administration. [Read more »](#)

Analysis

Here's What The Music Modernization Act Would Do

The Music Modernization Act, a major copyright bill that's looking more and more likely to become law, is really a package of small tweaks and amendments. Here's a breakdown of exactly what's in the latest version. [Read more »](#)

Feature

Budget Gaps, Backlogs Spur States To Tap More P3 Opps

The Trump administration's push to have local governments shoulder a bigger share of their infrastructure project costs will likely inspire more states and municipalities to tap private investors to get their most crucial projects financed, built and delivered. [Read more »](#)

BANKING & SECURITIES

Trump's Fed Board Nominees Back Tailoring Of Bank Rules

Two of President Donald Trump's nominees to the Federal Reserve Board of Governors told senators Tuesday that they support the concept of tailoring post-financial crisis rules to better fit banks= 2 differing risk profiles so long as it doesn't undermine the safety and soundness of the financial system. [Read more »](#)

ENERGY & ENVIRONMENTAL

Cotchett Pitre
Covington & Burling
Cravath Swaine
Davis Wright Tremaine
Duane Morris
Earthjustice
Eversheds Sutherland
Fox Rothschild
Genova Burns
Gibbons PC
Gibson Dunn
Goodwin
Hangley Aronchick
Holland & Knight
Hyman Phelps
Irell & Manella
Jones Day
Katten Muchin
Katz Marshall
Kelley Drye
Kirkland & Ellis
Kline & Specter
Lite DePalma
Morgan Lewis
Munger Tolles
Norton Rose Fulbright
O'Melveny & Myers
Peckar & Abramson
Pillsbury Winthrop
Riley Safer
Schiff Hardin
Schiller
Seeger Weiss
Shearman & Sterling
Taft Stettinius
Thompson Hine
Weiss Serota
White and Williams

Calif., Enviro Ask 9th Circ. To Revive Border Wall Suit

The state of California and several environmental organizations have urged the Ninth Circuit to overturn a lower court's nixing of their challenge to the Trump administration's planned border wall in the state, saying the projects must first undergo environmental impact assessments. [Read more »](#)

Enviros Join EPA Fuel Economy Rollback Fight

Seven environmental and consumer advocacy groups on Tuesday launched the latest in a string of challenges before the D.C. Circuit to the U.S. Environmental Protection Agency's decision to revisit Obama-era greenhouse gas vehicle emission standards. [Read more »](#)

Conn. Sued Over Clean Energy, Efficiency Fund Sweep

Environmental advocates, energy conservation companies and ratepayer organizations hit Connecticut officials with a federal lawsuit Tuesday over the legislature's decision to sweep funds from clean energy and energy efficiency programs into the state's general fund to plug a budget deficit. [Read more »](#)

100 Oil Cos., Banks Urged To Pass On Arctic Refuge Drilling

Investors with \$2.52 trillion in total assets, including the New York State Common Retirement Fund, Trinity Health and BNP Paribas AM, as well as dozens of environmental and tribal groups pressed oil and gas companies and the banks that back them Monday not to drill in the Arctic National Wildlife Refuge. [Read more »](#)

20 Senators Want EPA To Extend Deadline On Science Rules

A group of 20 senators on Monday wrote a letter to U.S. Environmental Protection Agency Administrator Scott Pruitt, asking him to extend the comment period for a proposed rule that

WilmerHale

COMPANIES

AT&T Inc.

AbbVie Inc.

All Aboard Florida - Operations LLC

American Academy of Pediatrics

American Bar Association

American Beverage Association

American Cable Association

American Civil Liberties Union

American Medical Association Inc.

American Society Of Composers Authors & Publishers

Apple Inc.

Associated Press

BNP Paribas

Cable News Network Inc.

Center for Biological Diversity Inc.

Comcast Corporation

Communications Workers of America

Conservation Law Foundation

Eli Lilly and Company

Environmental Defense Fund Inc.

Equifax Inc.

Facebook

Gavin Solmonese LLC

Google Inc.

Halliburton Company

Home Box Office Inc.

International Business Machines Corporation

Lambda Legal Defense & Educational Fund

Major League Baseball Inc.

Merck & Co Inc.

Microsoft Corporation

NBCUniversal Inc.

would impact the types of scientific studies the agency could use to support its decision-making. [Read more »](#)

HEALTH & LIFE SCIENCES

Pot Cos. Thriving With Relaxed Bank Rules: Ex-DOJ Official

Despite Attorney General Jeff Sessions' reversal of an Obama-era policy not to prosecute legal marijuana businesses, a federal crackdown hasn't occurred and the industry is benefiting from selective enforcement of financial regulations, a former U.S. Department of Justice official said recently at a tax conference. [Read more »](#)

IP & TECHNOLOGY

Streaming Music Bill Hits The Right Notes On Capitol Hill

Famous musicians, bipartisan lawmakers and rival industry groups all voiced support at a Senate hearing Tuesday for a package of copyright amendments that would make major changes to how streaming music services such as Spotify pay royalties. [Read more »](#)

MEDIA & ENTERTAINMENT

Feature

Sports Betting In NJ Months Away After High Court Win

With state lawmakers moving quickly to pass legislation, regulated sports betting in New Jersey could be up and running in a matter of months based on the state's preparations in anticipation of a U.S. Supreme Court decision permitting such gambling in the Garden State, attorneys say. [Read more »](#)

Calif. Lawmaker Hustles To Legalize Sports Betting

A California State Assembly member moved quickly Monday to propose a constitutional amendment making sports betting legal in the

NFL Enterprises LLC
National Basketball Association
National Collegiate Athletic Association
National Hockey League
Natural Resources Defense Council
New York Times Co.
Pacific Investment Management Company
Pfizer Inc.
Public Citizen Inc.
RCN Corp.
Recording Industry Association of America
Rite Aid Corporation
Ryan LLC
Sierra Club
Sirius XM Radio Inc.
Spotify Technology SA
State Bar of California
Syngenta AG
TBS International Limited
Takeda Pharmaceutical Co. Ltd.
The DIRECTV Group, Inc.
Time Warner Inc.
Turner Broadcasting System Inc.
U.S. Chamber of Commerce
Umpqua Holdings Corporation
Union of Concerned Scientists
UnitedLex Corp.
Villanova University
Volkswagen
Weaver LLP

GOVERNMENT AGENCIES

Bureau of Indian Education
Bureau of Land Management
Central Intelligence Agency

Golden State, the same day the U.S. Supreme Court struck down a federal ban prohibiting states from legalizing sports betting. Read more »

COMPETITION

AT&T, Time Warner Fight Alternative Merger Fix

AT&T and Time Warner asked a D.C. federal court on Tuesday to reject a cable company and trade group's call for a stricter arbitration process than the companies have committed to, saying it's not their place to fill gaps left in the government's challenge to their proposed \$85 billion merger. Read more »

CYBERSECURITY & PRIVACY

IBM Urges Congress Not To Adopt GDPR-Style Privacy Law

More than 100 IBM executives have a clear message for Congress on data privacy as they meet with lawmakers on Capitol Hill this week: The U.S. should not pass its own version of the European Union's General Data Protection Regulation. Read more »

AEROSPACE & DEFENSE

Feds Press 2nd Circ. To Keep Drone Program Ruling Secret

The Trump administration on Tuesday urged the Second Circuit to vacate a Manhattan federal judge's ruling in a Freedom of Information Act suit that purportedly held that the U.S. government has acknowledged classified information about targeted killings abroad, saying such a disclosure would endanger national security. Read more »

Transgender Troops Say Freeze On Ban Won't Hurt Military

Active and prospective transgender troops urged a Washington federal judge to keep an injunction in place freezing President Donald

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

Congressional Budget Office

Connecticut Attorney General's Office

Copyright Royalty Board

Drug Enforcement Administration

Energy Information Administration

Equal Employment Opportunity Commission

European Commission

European Union

Executive Office of the President

Federal Communications Commission

Federal Reserve Bank of Kansas City

Federal Reserve System

Federal Trade Commission

Financial Crimes Enforcement Network

Fish and Wildlife Service

Food and Drug Administration

Internal Revenue Service

NAFTA

National Highway Traffic Safety Administration

National Institute of Standards and Technology

New Jersey Legislature

New York State Comptroller

Ohio Supreme Court

Pennsylvania Supreme Court

Port Authority of New York & New Jersey

State Justice Institute

U.S. Attorney's Office

U.S. Copyright Office

U.S. Department of Defense

Trump's policy barring them from serving in the military, arguing that they'll be denied crucial medical treatment if the stay is lifted pending the administration's appeal. [Read more »](#)

INTERNATIONAL TRADE

Sens. Push Trump Not To Give Away Cheese Names In NAFTA

Two dozen U.S. senators urged the Trump administration to protect the use of common cheese names in the North American Free Trade Agreement Tuesday, expressing consternation that a bilateral deal between the European Union and Mexico could clamp down on U.S. dairy producers. [Read more »](#)

TAX

US Urges Supreme Court To Review W.Va. Retiree Tax Case

Federal attorneys, responding to a request from the U.S. Supreme Court, urged the justices Tuesday to examine a claim from a federal law enforcement retiree that West Virginia improperly grants preferential tax treatment to state law enforcement retirees. [Read more »](#)

Treasury Borrows \$5.4B Daily To Pay For TCJA, Dems Say

One day before the House Ways and Means Committee planned to hold its first hearing on the tax overhaul since it became law, committee Democrats issued a report Tuesday saying that the Treasury Department is borrowing \$5.4 billion every day to pay for the cuts. [Read more »](#)

Philly Soda Tax Duplicates State Sales Tax, Pa. Justices Told

A beverage industry attorney urged the Pennsylvania Supreme Court during oral arguments Tuesday in Harrisburg to strike down the city of Philadelphia's controversial new tax on the distribution of sweetened drinks

U.S. Department of Education
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Transportation
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Supreme Court
U.S. Tax Court
World Intellectual Property Organization

as an improper duplication of the state's sales tax. [Read more »](#)

IMMIGRATION

DACA's Legality, Rollback Focus Of 9th Circ. Arguments

The Ninth Circuit heard oral arguments Tuesday in a case challenging the Trump administration's attempted rescission of the Deferred Action for Childhood Arrivals program, with both sides focusing on the government's assertion that the initial implementation of the program was unlawful. [Read more »](#)

Ohio To Assist Legal Immigrants With Life In Midwest

Ohio Gov. John Kasich on Tuesday ordered the creation of an advisory committee and a government office to assist immigrants who are in the U.S. legally with acclimating to life in the Midwestern state and with securing jobs and other opportunities. [Read more »](#)

Chicago Opposes Stay In 7th Circ. Sanctuary Funds Ruling

The city of Chicago urged the Seventh Circuit on Monday not to grant the Trump administration's request to limit the scope of a nationwide injunction prohibiting it from barring so-called sanctuary cities from a federal public safety grant, arguing that the injunction is in the public interest. [Read more »](#)

NATIVE AMERICAN

House Passes Oregon Tribal Land Transfer Bill

The U.S. House of Representatives passed a bill Tuesday meant to allow a handful of Oregon tribes to have more flexibility to transfer or lease their lands that are not held in trust by the federal government. [Read more »](#)

TELECOMMUNICATIONS

Net Neutrality Bill Could Hasten Other Reforms, Orgs Say

Congress must pass net neutrality "compromise" legislation so lawmakers and regulators can move on to more pressing issues of online privacy and misinformation, said advocates of the Federal Communications Commission's net neutrality deregulation on Tuesday [Read more »](#)

FCC Rethinking Autodialer Definition After Court Loss

The Federal Communications Commission is looking for suggestions as it comes up with a new definition for autodialers that will be banned from making robocalls, after the agency's previous definition was thrown out by the D.C. Circuit as being too broad. [Read more »](#)

WHITE COLLAR

Manafort Can't Slip DC Charges From Mueller Investigation

A Washington, D.C., federal judge refused to toss money laundering and other charges against former Trump campaign chairman Paul Manafort on Tuesday, ruling Acting Attorney General Rod Rosenstein was within his authority to authorize Special Counsel Robert Mueller to investigate "any links" that arose from investigating Russian election interference. [Read more »](#)

EXPERT ANALYSIS

Nat'l Space Council Could Launch New Era Of Patent Policy

While the recently re-established National Space Council has a broad mandate to develop U.S. space policy recommendations, one important area for the council should be fostering creative endeavors in space. In particular, the council should determine if the current patent law framework is adequate, say

Larry Williams Jr. and William Allen of Thompson Hine LLP. [Read more »](#)

Opinion

'Hoping' Employers Will Stimulate Economy Is Not Enough

Lawmakers hoped corporations would use the money from tax incentives in last year's overhaul to create jobs, raise pay and take other steps to grow the U.S. economy, without requiring that they do so. Change would be more likely if the law were crafted so corporations receive tax breaks only to the extent that such promises are fulfilled, says James Edward Maule, professor at Villanova University's Charles Widger School of Law. [Read more »](#)

Ending Forced Arbitration In Workplace Discrimination Cases

While recent actions to eliminate forced arbitration for employee sexual harassment and sex discrimination claims are welcomed developments in the wake of the #MeToo movement, the concerns motivating the movement provide a similar opportunity to consider the ramifications of changes that benefit one group and how they might be expanded to benefit all workers, says Joseph Abboud of Katz Marshall & Banks LLP. [Read more »](#)

Opioid Legislation May Expand Telehealth Coverage

Several of the opioid-related proposals under consideration in both houses of Congress would allow more practitioners to remotely prescribe treatment for opioid addiction. This would greatly increase providers' access to those suffering from addiction in rural areas, say Emily Wein and Amit Rao of Baker Donelson Bearman Caldwell & Berkowitz PC. [Read more »](#)

Calif. Attorney-Officials Must Heed AG's Ethics Warning

The California attorney general recently issued an opinion on the conflicts posed when an attorney who serves as a city councilmember has a client with interests adverse to the city. The opinion illustrates that ethical conflicts can arise when a lawyer has a fiduciary relationship, but not an attorney-client relationship, with a person or legal entity, says Gary Schons of Best Best & Krieger LLP. [Read more »](#)

LEGAL INDUSTRY

Feature

Titan Of The Plaintiffs Bar: Seeger Weiss' Christopher Seeger

Seeger Weiss LLP co-founder Christopher Seeger helped patients who suffered heart attacks after using testosterone replacement drugs score more than \$300 million in two recent bellwether trials and negotiated a record \$1.5 billion agricultural settlement last year, earning him a place among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

How Law Firms Can Use Psychology To Make More Money

Law firms currently lag behind much of the corporate world when it comes to using psychology to price the services they sell, and in doing so firms may be missing out on a good deal of potential revenue, according to a speaker at the Legal Marketing Association's P3 conference in Chicago Tuesday. [Read more »](#)

Clients Show Law Firms They Expect More With Report Cards

Corporate clients are increasingly grading outside counsel on a vast array of traits and characteristics and using the report cards they develop to make big decisions about who to keep and who to cut from their rosters, according to a presentation at the Legal Marketing Association's P3 conference in Chicago on Tuesday. [Read more »](#)

Analysis

Work-Hungry Firms Cede Ground On Security Retainer Fees

The retainer fee has largely survived the financial push-and-pull between firms and corporate clients over the last decade, experts said, but some evidence is emerging that even companies with cash-flow problems have leverage to negotiate smaller upfront payments with their counsel. [Read more »](#)

Shuttered NC Law School Sues ABA Over Enforcement Action

Charlotte School of Law sued the American Bar Association in North Carolina federal court Tuesday, claiming that enforcement actions by the organization related to law school accreditation violated the due process rights of the for-profit college and led to its closure last year. [Read more »](#)

Pillsbury Expands SALT Team With 13 Eversheds Attorneys

Pillsbury Winthrop announced Tuesday it has added 13 former Eversheds Sutherland attorneys to its state and local tax team led by Carley Roberts and Marc Simonetti, increasing to 19 the number of attorneys focused on SALT. [Read more »](#)

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The Aerospace States Association BRIEFING

in affiliation with



Good morning Kirk Schuring

May 17, 2018

POLICY NEWS - STATE

Efforts To Explore Lambert International Airport Privatization Hit A Snag.

The St. Louis Post-Dispatch (5/16) reports that efforts to explore the privatization of St. Louis' Lambert International Airport hit a snag when the city's Board of Estimate and Appointment did not hold a scheduled vote to approve the contract of three consulting firms selected by a committee in January to "seek and evaluate proposals from companies that want to lease the airport." According to the St. Louis Post-Dispatch, the reason for the contract not being approved was "a disagreement over a proposed group that would work alongside the consulting firms and make recommendations."

Richfield, UT Airport Nears Completion.

The Richfield (UT) Reaper (5/16) reports that after more than a decade of work, the Richfield City Municipal Airport project is "in its final weeks." The article says that "thanks to an ongoing grant from the Federal Aviation Administration," the airport rebuild is almost complete. The FAA paid for "more than 90 percent" of the project.

Sheridan County, WY Approves \$575,000 Airport Funds Transfer.

Sheridan (WY) Media (5/16, Palmer) reports that Sheridan County, Wyoming Commissioners authorized a transfer of \$575,000 in FAA entitlement funds to the Yellowstone Regional Airport in Cody, WY. Sheridan County Airport Manager John Stopka said the Cody airport board approved an agreement in which the commissioners would lend the funds to the airport.

Florida County Plans Mosquito Control Program Using UAVs.

U.S. News & World Report (5/16, Soergel) reports that officials in Lee County, Florida plan to use UAVs to aid the county's mosquito control operations. Lee County is one of "only 10 state, local and tribal government entities to be selected for the Federal Aviation Administration's Unmanned Aircraft Systems Integration Pilot Program." According to Lee County Mosquito Control District Public Information Officer Eric Jackson, the county has been "getting a lot of media requests" and has been "inundated with drone operators that want jobs." Jackson added that the district "relies heavily on aerial operations" to control mosquito populations.

POLICY NEWS - FEDERAL

WTO Ruling "Adds To" Tension Between Airbus, Boeing.

Bloomberg News (5/16) reports in a video that The Boeing Company has won a World Trade Organization (WTO) case against Airbus and the European Union. The decision "Cadds to the tension between two parties already at odds" due to the Trump administration's decision to withdraw from the Iranian nuclear deal, jeopardizing aircraft orders worth billions of dollars.

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AVIATION

FAA Orders Faster Inspection Of Boeing 737 Engines.

USA Today (5/16, Jansen) reports that the FAA ordered faster inspections of Boeing 737 aircraft engines Wednesday in order to "ensure that the oldest fan blades in about 5,400 engines are inspected by June 30." In a statement, the FAA said that it is "acting to ensure an extra measure of safety for fan blade performance in CFM56 engines." This follows a fatal accident aboard an April Southwest Airlines flight linked to one of the engines. The FAA order conforms to a CFM International directive published last week calling for airlines to "hasten inspections for engines with more than 20,000 flights." In a statement, GE Aviation said that more than 77,000 engine fan blades have been inspected following the incident. Each engine has 24 blades, meaning that "about 3,200 engines or more than 1,600

planes have been inspected." The FAA has estimated that around 3,716 engines needed to be inspected on US aircraft, but globally "330,000 blades on 13,750 planes will be inspected, according to the manufacturer." The inspections are estimated to cost US airlines a total of \$631,720.

Bloomberg News (5/16, Levin, Clough, Schlangstein) reports that the FAA's new directive to CFM56-7B engine operators was "based on findings in the investigation and a review by the manufacturer, according to a notice set to be published in the Federal Register Thursday." While Southwest has completed its inspection on affected engines in its fleet, the carrier sent "several dozen" blades, including "some with coating anomalies, to GE for additional testing."

Southwest Completes Engine Fan Blade Inspection. Bloomberg News reports that Southwest has sent some of its engine fan blades to CFM International for additional inspection, although the "carrier's own review found no faults like the one that caused a blade to crack in flight, leading to a passenger's death last month." At the airline's 25th annual meeting Wednesday, Southwest CEO Gary Kelly announced the carrier's "findings have been zero, which is obviously good news." After the meeting, Kelly told reporters that the company has sent "several dozen" blades to GE for additional testing, adding that he does not expect GE to find additional problems. GE's "inspection protocol will identify a crack before it gets to the failure stage," Kelly explained. Southwest uses ultrasonic tests to detect cracks, but GE also can conduct electromagnetic inspections. According to GE COO Mike Van de Ven, some of the blades sent back had coating anomalies, and were flagged for additional review "out of an abundance of caution."

US Marine Corps' First CH-53K King Stallion Delivered.

CNBC (5/16, Macias) reports that the US Marine Corps received the "most powerful helicopter ever fielded" by the service at Marine Corps Air Station New River in Jacksonville, North Carolina on Wednesday. The King Stallion eventually will replace the Marines' "nearly 40-year-old CH-53E Super Stallion fleet," and can carry triple the "weight of its predecessor at a colossal 27,000 pounds." The delivery was the first of an expected 200 aircraft from Lockheed Martin's Sikorsky unit. According to Marine Corps Deputy Commandant for Aviation Lt. Gen. Steven Rudder, the Marines will test the helicopter in preparation for declaring it ready for deployment by the end of next year.

Boeing 747s Rebound With Increase In Air Cargo Demand.

Bloomberg Business (5/16) reports that interest in Boeing 747s is rebounding, particularly in "used 747s originally built as freighters, since they have hinged noses that flip open to load oversize cargo such as oil-drilling equipment." Customers also are beginning to express interest in "cargo-haulers converted from passenger jumbos, which are heavier and can load only via doors carved into the side." UPS has "negotiated a freighter order that will keep Boeing's 747-8 assembly line open into the next decade." In addition, Atlas Air has "started lining up 747-400 freighters for customers such as DHL Worldwide Express." Air cargo demand is expected to increase from four percent to five percent this year, which "bodes well for all-new Boeing freighters, as well as for the used models."

Airbus Helicopters Cites "Success" Of Corporate Helicopter Division.

FlightGlobal (5/16, Perry) reports that Airbus Helicopters believes that its decision to launch a "dedicated business aviation operation...has already begun paying dividends." Airbus Commercial Aircraft first made a similar change, prompting Airbus Corporate Helicopters (ACH) to be unveiled in May 2017. According to Airbus Helicopters CEO Frederic Lemos, "One year after the launch of Airbus Corporate Helicopters we can say it was a success." Lemos

added that the new division is "grabbing market share from the competition, particularly in the light-twin segment." In 2017, ACH "had a claimed 70% share of the market for corporate or VIP-roled turbine helicopters over 1.3t maximum take-off weight." Lemos called 2018 a "very important year" due to the ACH160, which he called a "game-changer in the small medium category."

Britain Expects F-35 Deliveries To Begin In June.

The Press Association (UK) (5/16) reports that Britain expects its first F-35 fighters to arrive in the United Kingdom (UK) next month. British Defence Secretary Gavin Williamson "confirmed the imminent arrival" of the aircraft during an event commemorating the 75th anniversary of the World War II "Dambusters raid." Four of the aircraft are due to be delivered from the US next month, and "will do so with between 12 and 15 air-to-air refuelling serials per jet." The aircraft will be delivered two months ahead of schedule, allowing for additional training "before declaring initial operational service" for the fighters later this year.

Flybe Calls Bombardier Q400 "Best Core Aircraft" For Its Fleet.

Reuters (5/16) reports that Flybe has concluded that Bombardier's Q400 turboprop is the best core aircraft for its current and future fleet needs, and is likely to remain the bulk of Flybe's fleet for the foreseeable future. Flybe is in the process of reducing its fleet from 85 aircraft as of May 2017 to a target of 70 aircraft by 2020, and has handed back all nine Embraer 195 jets operated by the carrier. An additional order for four Embraer E175s will be delivered in 2019, but Flybe does not anticipate any additional aircraft orders in the near future.

Southwest Seeks Overseas Expansion.

CNBC (5/16, Josephs) reports that Southwest Airlines is looking to service additional destinations outside the US, including destinations in South America. According to Southwest CEO Gary Kelly, 96 percent of the carrier's flights are domestic, and Southwest serves 14 international destinations. Kelly said there are as many as 50 other destinations in North and South America that Southwest could serve. He also said that these will not be added "all next year," and that the process "may take us 25 years." An expansion to South America could follow similar network growth to the region by competitors like Spirit and JetBlue, and possibly put it in competition with large U.S. airlines like Delta, United and American.

SPACE

OneSpace Successfully Launches First Private Chinese Rocket.

CNN Money (5/16, Toh, Wang) reports that Beijing-based startup OneSpace "on Thursday became the country's first private company to launch its own rocket." The startup's OS-X rocket successfully launched from a facility in northwestern China as part of a mission to "collect data for a research project it is working on with the Aviation Industry Corporation of China, a state-owned company." Hong Kong University of Science and Technology Professor of Aerospace Engineering Xin Zhang doubts that the rocket was entirely developed by OneSpace. The company's CEO, Shu Chang, has stated that the rocket was developed and built in only three years, but according to Zhang, "that's 9s supersonic speed." Zhang added that with OneSpace having raised only \$78 million, such a feat would have

been "difficult unless they cut corners." OneSpace has claimed it "lowered costs in part by using a specially designed electrical system that weighs 10 times less than those typically used in other rockets."

ISS Astronauts Service Coolant Pumps "Leaky" And "Frosty."

The AP (5/16, Dunn) reports that NASA astronauts Drew Feustel and Ricky Arnold "swapped the positions of two spare ammonia pumps" that are part of the "critical cooling system" for the ISS. One pump "got too cold because of a power shutdown 17 years ago and is called Frosty," and NASA flight controllers plan to perform tests in the coming days to assess whether the pump still works. The other pump, a "failed unit dubbed Leaky, spewed out ammonia five years ago." Leaky was moved to a long-term storage platform, while Frosty "took Leaky's spot on a robot-arm mechanism." A new spare pump was delivered to the ISS last month. During the spacewalk, NASA Flight Controller Alex Apyan explained that the agency has "been doing a ton of work to play musical chairs with all these (pumps) so we can have good available spares." Feustel and Arnold also installed a "new camera and communication device," and completed additional tasks.

CBS News (5/16, Harwood) reports that the units are designed to pump coolant "through solar array batteries to keep them from overheating." Because the ISS uses eight of the units to cool its solar array batteries, NASA "wants two operational spares available at all times and engineers want to find out whether Frosty is, in fact, operational."

SpaceX Sets Targets For Next Falcon 9 Launches.

Spaceflight Now (5/16, Clark) reports that SpaceX has delayed the launch of five Iridium "message relay satellites and a pair of U.S.-German orbiting geophysics probes" on a Falcon 9 rocket from California three days to May 22, while a "week-long schedule slip to May 31 is expected for the next SpaceX flight from Cape Canaveral with an SES communications payload." According to Iridium CEO Matt Desch, the delay for the launch from Vandenberg Air Force Base will allow SpaceX to resolve an issue with the Falcon 9's preparation. Desch called the problem a "minor processing issue" with a Falcon 9 component, adding that it is "not a big deal."

UK Considering Veto Of ESA's New Galileo Contract Tenders.

Bloomberg News (5/16, Morales) reports that the United Kingdom (UK) is considering vetoing the "release of new contract tenders for the European Union's [EU] Galileo satellite navigation system" if the EU does not relax its stance on "restricting Britain's access to the program after Brexit, two officials familiar with the matter said." ESA officials want to bring forward bids for \$471 million in contracts to "design and develop the next set of satellites for the program." The tenders were officially planned for next year, but a vote on issuing them could be held "as soon as a European Space Agency meeting in mid-June, but the decision needs to be unanimous, giving the UK a veto." Britain wishes to remain in the project after its exit from the EU, and believes that access to Galileo "would be a test of how good the future security relationship could be."

Virginia-Based Aireon To Offer Satellite-Based Commercial Air Traffic Control Services In 2019.

Bloomberg News (5/16) reports that McLean, Virginia-based Aireon is developing a satellite-based tracking system and is planning to offer commercial air traffic control services in 2019. Aireon's technology will allow for "better-

optimized flight paths, saving fuel and time while reducing separation between aircraft," which would enable more flights "in crowded areas such as the North Atlantic." UK-based NATS, which provides Britain's air traffic control service, is buying a 10 percent stake in Aireon. Aireon CEO Don Thoma said in a news conference on Wednesday that the FAA will start testing Aireon systems later this year.

Shotwell Explains "What It's Like Working For Elon Musk."

CNBC (5/16) profiles the working relationship between SpaceX President and Chief Operating Officer Gwynne Shotwell and CEO Elon Musk. Shotwell joined SpaceX as an engineer in 2002, and was the company's seventh employee. Shotwell said, "I love working for Elon." She added that she has "been doing it for 16 years this year, actually." Shotwell sees her job as taking Musk's grand "ideas and kind of turn them into company goals, make them achievable," pushing SpaceX toward a comfortable space. Shotwell added that Musk, in contrast, seeks to "push again and put us back on that slope."

NASA Cubesats Transmit Their First Image Of Earth, Moon.

SPACE (5/16) reports that one of NASA's Mars Cube One (MarCO) cubesats, "launched toward the Red Planet along with the agency's InSight lander on May 5, took a photo on May 9 to help confirm that its high-gain antenna had deployed properly." The antenna can be seen in the photo, as can the moon and Earth, the "latter of which appears as a pale blue dot, just as it did in a famous photo taken by NASA's Voyager 1 probe in 1990." In a statement, MarCO Chief Engineer Andy Klesh of NASA's Jet Propulsion Laboratory (JPL) called the image "our homage to Voyager," adding that cubesats have "never gone this far into space before, so it's a big milestone. Both our cubesats are healthy and functioning properly. We're looking forward to seeing them travel even farther." The cubesats will conduct a "demonstration mission" to show the spacecraft's utility on deep-space exploration missions, and also will test technologies "including a propulsion system that uses the same cold, compressed gas commonly found in fire extinguishers."

USA Today (5/16) includes video in its coverage.

MANUFACTURING

FACC Expects Automation, Outsourcing To Improve Earnings.

Reuters (5/16, Knolle) reports that Austrian aviation parts supplier FACC said Wednesday that it expects to improve its earnings significantly this year by expanding automation and by outsourcing the production of some of its parts. The Chinese-owned company doubled net profit to \$447 million in the year ending this past February. In its annual report, FACC stated that "initiatives to increase the level of automation and productivity and to outsource the production of simple composite parts to the supply chain will continue (in 2018/19)." FACC is targeting single-digit percentage sales growth for the year, and expects to supply parts for an expanded short-haul aircraft market. The company also is working "on developing surfaces able to adjust to changing conditions, such as pressure and suction in different phases of a flight, to meet future needs."

STEM EDUCATION

NEA Chairman And Smithsonian Secretary Argue For Integrated Education.

David Skorton, secretary of the Smithsonian Institution, and Jane Chu, chairman of the National Endowment for the Arts, write in USA Today (5/16), on "the future of work," arguing that there has been much attention paid to STEM fields, and "less emphasis on the intrinsic value of the arts and humanities." They argue, quoting Einstein, that "arts, sciences and humanities are all 'branches from the same tree,'" and support "broad educational experiences that integrate the STEM disciplines with the arts and humanities." They site a study from the National Academies of Sciences, Engineering, and Medicine that "offers compelling evidence that integration has a positive impact on the learning outcomes of students."

WEDNESDAY'S LEAD STORIES

- **DHS Secretary Calls For Increased Authority Over UAVs.**
- **WTO Finds Airbus Subsidies Harmed Boeing Sales.**
- **Launch From Kodiak's Pacific Spaceport Complex Canceled.**
- **NAFTA Negotiations "Inch Ahead."**
- **North County Math Superbowl Held.**

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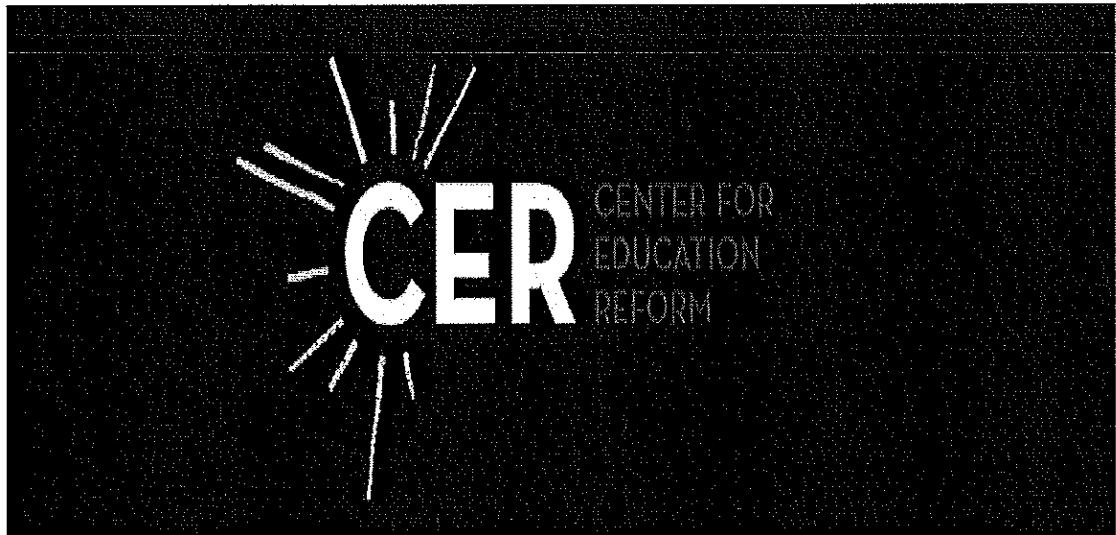
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The Aerospace States Association is an association of state lt. governors and state government officials fostering state aerospace growth and STEM workforce development. For more information, please see www.aerostates.org or contact GarelickBell@aerostates.org.

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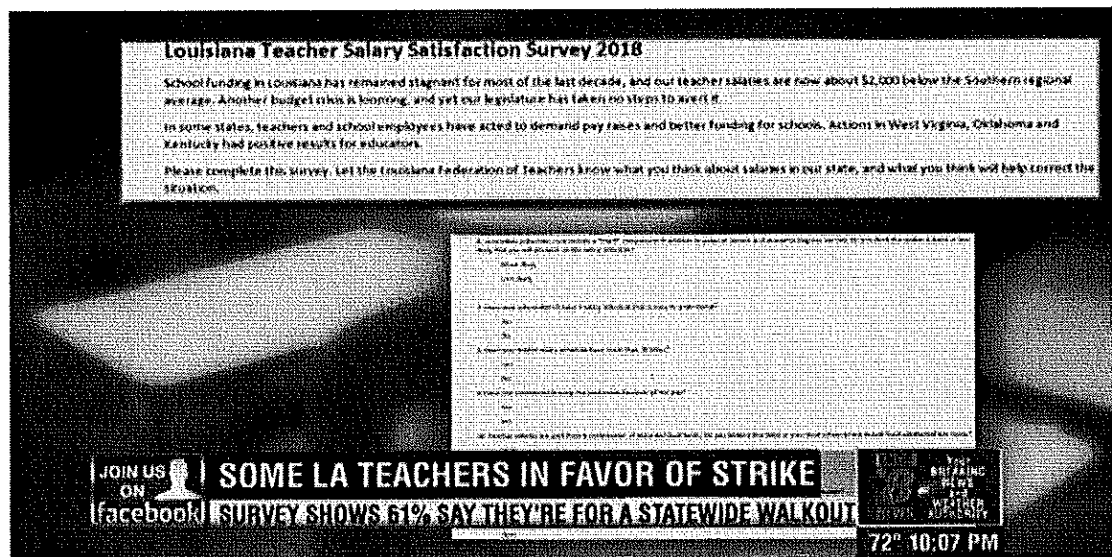
PRIMARY DAY. It's a great reminder of what's at stake, and a time for all to exercise their right to vote, not to mention their responsibility to know what it is they are voting for. A little civics knowledge courtesy of the Bill of Rights foundation might help you or your class, now and in the future to understand what it is we can all achieve if we focus on the issues. Let's start (and end) with education, a core function of any Governor. Today Texas, Georgia and Arkansas will nominate candidates for Governor to elect in November. In all, 36 states and 3 territories will elect state execs this year. Get to know what you should be asking and thinking now. CER's handy-dandy voter's

guide Education 50 is chock full of information to guide you and will be an up-to-date analysis of all major state races for November's final contests.

MORE UNION DISSENT. This time in South Carolina. Dubbed a "mobilization", the rally at least took place on a Saturday when the livelihood of the children was not at stake. Want more money and benefits? Teachers should get up to speed on what's really preventing that from happening. (Hint: It's not education reform).

BAIT & SWITCH. The media have been hoodwinked clearly by catchy surveys conducted by the Louisiana Federation of Teachers claiming a majority of teachers support their strikes and demonstrations. Take a look at this loaded question they used to stir the pot. Again, teachers should ask themselves, what has the union done lately to ensure that school spending reaches the classroom, to reduce their dues, to reduce pension costs, ensure that salaries not be topped off at the end of a teacher's career, and that greatness is rewarded, while mediocrity is not? The reality is that most teachers don't know how they are paid, or why.

New survey shows nearly 4,000 Louisiana teachers would strike, quit for higher pay



WHEN THEY CAN'T WIN THEY SUE. Repeated lawsuits initiated by the unions against the tiny Washington State charter school law are going to prevent more students like Jalen Johnson, an 11th-grader at Summit Sierra charter school in Seattle, from succeeding. Johnson told the crowd at a pro-charter rally that the commitment of his teachers helped turn him from an average middle-school student who had little thought of attending college to a thriving high-school junior who hopes to study urban planning at the University of California at Berkeley. "This is how every school should be." That's the same theme in Georgia in a news report about charter school graduates. "Public school choice, in the form of successful, innovative public charter schools, helps struggling children thrive and graduate."

SPEAKING OF GRADUATES, Michigan's charter schools are forcing some who have long used flawed data to condemn Detroit charters to eat their words. Turns out that with struggle comes progress (as one of our friends would say). A dollar spent by a Detroit charter yields 2.5x lifetime earnings, according new a new report by the Mackinac Center. Indeed 8 of the 10 top high schools in Detroit for college enrollment were charter schools. Despite the

good news, the Gubernatorial Democratic frontrunner in Michigan announced earlier this month his "war on charter schools." Shri Thanedar is campaigning on a plan to ban most Michigan charter schools. His competitor Gretchen Whitmer is following his lead.

ILLINOIS CHOICES UNDER ATTACK, TOO. Political efforts motivated by stiff teacher union pressure threaten the elimination of the successful Invest in Kids Act program, despite its popularity and necessity. Empower Illinois received 24,000 applications as soon as its scholarship program went live, causing its website to crash, and is up to 50,000. The state tax credit program is decried by the teachers' union because it's a policy that supports educational alternatives. So as the unions work to pull teachers out of school they are also trying to stop kids from going to schools that meet their needs. Go figure.

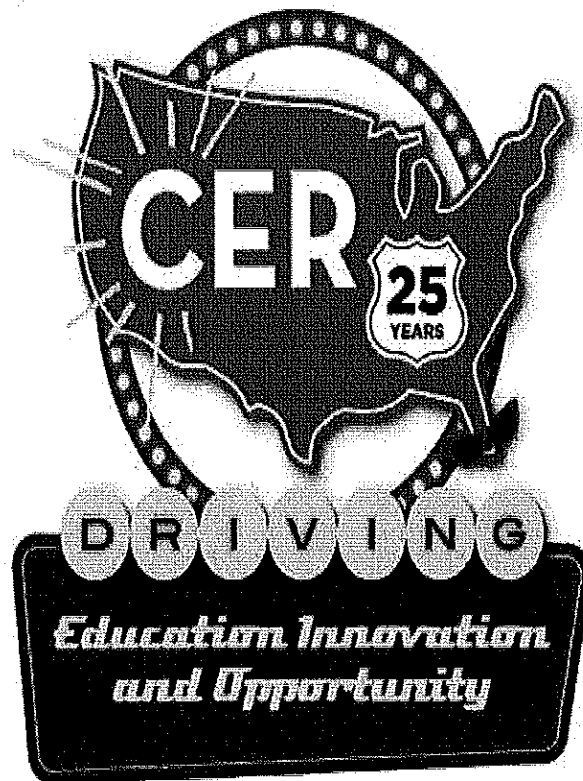
FLORIDA DISTRICTS FIGHT equality for kids while they deny charter public schools their equal right to property tax money.

DESPITE FAILURE & SAFETY ISSUES, the head of the National Education Association (NEA) is galloping into Kentucky to the fight proposed state takeover of Jefferson County Public Schools.

LET US PRAY. THE MUCH-ANTICIPATED SCOTUS *JANUS v.*

AFSCME RULING in late June could mean a seismic shift for teachers' unions. With the strong possibility of a ruling Mark Janus' favor, releasing non-union teachers from mandatory fees, the nation's largest teachers' union, the National Teachers Association (NEA) has announced a projected loss of 300,000 members over two years and accordingly, a proposed annual budget reduction of \$50 million. For more details and analysis on the case and how its outcome will affect all educators and students, listen to this Monday's Reality Check with Jeanne Allen with guest Colin Sharkey, executive vice president of the Association of American Educators.

Check out this week's [Reality Check w/Jeanne Allen for an interview](#) with North Carolina charter school leaders about the strikes and their prescription for success.



Founded in 1993, [the Center for Education Reform](#) aims to expand educational opportunities that lead to improved economic outcomes for all Americans – particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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Wednesday, May 23, 2018



TOP NEWS

Feature

Gorsuch, Ginsburg Go To Mat Again In Class Waiver Case

U.S. Supreme Court Justice Neil Gorsuch has once again delivered a 5-4 majority opinion over a vigorous dissent from his liberal colleague Justice Ruth Bader Ginsburg, this time clashing in a high-profile dispute over arbitration clauses protecting businesses from worker class actions. [Read more »](#)

Analysis

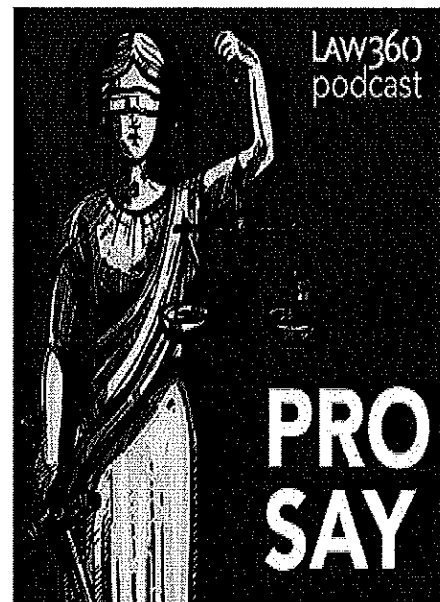
3 Reasons The Epic Systems Ruling Won't Sink #MeToo

Although the U.S. Supreme Court's blockbuster Epic Systems ruling that gave businesses a green light to use employment contracts to bar workers from bringing class actions will have a far-reaching impact on employment law, attorneys say it won't significantly reduce the volume of sexual harassment cases that arise as part of the #MeToo movement. [Read more »](#)

Analysis

City-Industry Rifts Mire FCC Panel's Bid To Grease 5G

When FCC chairman Ajit Pai announced a new task force last year, he optimistically billed it as a way to break down local regulatory hurdles



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slowing the rollout of new 5G technology. But a year and half after its formation, the panel is facing many roadblocks of its own. Read more »

Analysis

Construction Industry Anxious For Water Rule Saga To Dry Up

The construction industry spends huge amounts of time and money on all kinds of permits to complete a project, and few pose bigger headaches than those triggered when the federal government determines that a project affects water bodies protected by the Clean Water Act ? 4 making the Trump administration's attempt to clear up the issue a top concern. Read more »

UPS Loses Challenge Of Postal Shipping Costs Rule

UPS can't unwind new federal rules on consumer shipping costs after the D.C. Circuit found Tuesday that the Postal Regulatory Commission hadn't overstepped its bounds in excluding some of the U.S. Postal Service's costs from its math. Read more »

BANKING & SECURITIES

House Sends Dodd-Frank Banking Rule Rollback To Trump

The U.S. House of Representatives on Tuesday passed a major rollback of Dodd-Frank rules, sending a package of financial industry changes that backers say cut costly and burdensome regulations to President Donald Trump, who has indicated his support for the measure. Read more »

ENERGY & ENVIRONMENTAL

5th Circ. Tosses Houston Residents' Suit Over Flooding

A group of Houston residents can't revive claims that a city tax reinvestment zone led to street and drainage projects in their area that

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Duane Morris
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caused their homes to flood during periods of heavy rainfall, the Fifth Circuit held Tuesday. [Read more »](#)

Minn. Gov. Vetoes Bill To Greenlight Pipeline Project

Minnesota Democratic-Farmer-Labor Party Gov. Mark Dayton has refused to sign a bill that would authorize the company behind a pipeline replacement project to go ahead with construction across the northern part of the state, saying the legislation would nullify a process to see if the project is necessary for the state. [Read more »](#)

Water Infrastructure Bill Sails Through Senate Panel

The Senate Committee on Environment and Public Works on Tuesday unanimously passed a bipartisan water infrastructure bill that is meant, among other things, to slash red tape, boost state and local input on projects, increase water storage, deepen key ports and extend funding for Native American irrigation initiatives. [Read more »](#)

HEALTH & LIFE SCIENCES

Researchers Can't Sell Medical Marijuana, Pa. Judge Says

Temporary regulations allowing medical marijuana researchers to produce and sell products were preliminarily blocked Tuesday by a Pennsylvania judge, who sided with a group of growers and distributors in saying the state's Medical Marijuana Act did not appear to intend for research facilities to engage in commercial distribution. [Read more »](#)

9th Circ. Urged To Keep ACA Birth Control Rules Blocked

The states of California, Delaware, Maryland, New York and Virginia told the Ninth Circuit on Monday that a California federal judge was right to block Trump administration rules letting employers forgo covering birth control under

COMPANIES

AARP Inc.

AT&T Inc.

Amazon.com Inc.

American Cancer Society Inc.

American Civil Liberties Union

American Council of Life Insurers

American Federation of Labor and Congress of Industrial Organizations

American Legislative Exchange Council

American Road & Transportation Builders Association

American Trucking Associations Inc.

CardioNet, Inc.

Carlyle Group LP

Cato Institute

DISH Network Corporation

Enbridge

Epic Systems Corp.

Google Inc.

Lockheed Martin

Lyft Inc.

Microsoft Corporation

National Association of Home Builders

National Association of Realtors

Northrop Grumman Corporation

Prime Inc.

R-T Specialty LLC

Sinclair Broadcast Group, Inc.

Textron Inc.

The Boeing Company

Tribune Media Co.

Twitter Inc.

U.S. Chamber of Commerce

Uber Technologies Inc.

the Affordable Care Act by claiming moral or religious opposition to its use. [Read more »](#)

House Sends 'Right To Try' Treatments Bill To Trump

The House of Representatives sent a bill to President Donald Trump on Tuesday that would greatly increase the "right to try" experimental treatments under current U.S. Food and Drug Administration rules, which backers claim would help bring hope to otherwise terminally ill patients. [Read more »](#)

IP & TECHNOLOGY

House Bill Would Extend USPTO's Fee-Setting Power

Two members of the U.S. House of Representatives introduced legislation Tuesday that would allow the U.S. Patent and Trademark Office to retain its fee-setting authority, which is set to expire in September, mirroring a bill introduced in the Senate in March. [Read more »](#)

Iancu Defends AIA Claim Construction Plan To Congress

U.S. Patent and Trademark Office Director Andrei Iancu said at a House Judiciary Committee hearing Tuesday that a planned change to the claim construction standard for America Invents Act reviews will increase consistency and efficiency, defending the move to lawmakers who expressed concern about it. [Read more »](#)

EMPLOYMENT

5th Circ. Axes States' Bid To Revive DOL Fiduciary Rule Suit

The Fifth Circuit on Tuesday deflated workers' advocates' hopes that a trio of states could rally to save the U.S. Department of Labor's fiduciary rule, with the court striking down an attempt by the California, Oregon and New

United Parcel Service Inc.
United Technologies Corporation
Verizon Communications
Villanova University
ZTE Corp.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Reclamation
Department of Commerce
Eastern Shoshone Tribe
Employee Benefits Security Administration
Equal Employment Opportunity Commission
European Commission
European Union
Federal Communications Commission
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Internal Revenue Service
Leech Lake Band of Ojibwe
NAFTA
National Labor Relations Board
New Jersey Legislature
New York Attorney General's Office
Northern Arapaho Tribe
Omaha Tribe of Nebraska
Pennsylvania Department of Health
Postal Regulatory Commission
Securities and Exchange Commission
U.S. Army

York attorneys general to revive litigation over the retirement-savings rule. [Read more »](#)

Groups Back Trucking Co.'s High Court Arbitration Bid

A trucking industry lobbying group, a D.C. think tank and a Boston public-interest law firm urged the U.S. Supreme Court on Monday to compel arbitration in a class action accusing New Prime Inc. of failing to pay independent contractor truck-driver apprentices a proper minimum wage. [Read more »](#)

Contractor Registration Bill Passes NJ Labor Committee

A New Jersey bill aimed at expanding when public works contractors must register with the state under the Public Works Contractor Registration Act has passed the New Jersey Senate Labor Committee, Democratic lawmakers said Tuesday. [Read more »](#)

COMPETITION

FCC Opens Comment Period On Sinclair-Tribune Merger

The Federal Communications Commission has announced it is moving forward with a public comment period on Sinclair Broadcast Group Inc.'s \$3.9 billion proposed acquisition of Tribune Media Co., setting the stage for the next phase of the controversial merger. [Read more »](#)

AEROSPACE & DEFENSE

Defense Industrial Base Faces Significant Risks, DOD Says

The defense industrial base faces a number of challenges that threaten its health, including skill loss, fluctuating demand and dependency on foreign sources, although the impact varies by industry sector, according to a U.S. Department of Defense report made public Monday. [Read more »](#)

U.S. Attorney's Office
U.S. Census Bureau
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Postal Service
U.S. Senate
U.S. Supreme Court
United Nations
Wage and Hour Division
Wyoming Attorney General's Office

INTERNATIONAL TRADE

Europe Eyeing Asia-Pacific Inroads Amid US Standstill

European Union leaders gave the bloc the green light to pursue new trade deals with Australia and New Zealand on Tuesday and stressed the importance of linking up with the two powerful members of the Trans-Pacific Partnership, the Obama-era trade deal that the Trump administration has left in the dust. [Read more »](#)

TAX

IT Spending Plan To Be Ready Within 90 Days, Treasury Says

The U.S. Department of the Treasury will provide a five-year plan to lawmakers within 90 days that will outline the department's plan to invest in information technology upgrades, Treasury Secretary Steve Mnuchin said Tuesday. [Read more »](#)

IMMIGRATION

Ala. Sues Over Census Counting Unauthorized Immigrants

The state of Alabama sued the Commerce Department and the Census Bureau on Monday over the federal government's policy of including immigrants unauthorized to be in the United States as part of census tallies, alleging that the policy violates the Constitution. [Read more »](#)

ICE Chief Pushes For Clamp Down On Border Crossings

U.S. Immigration and Customs Enforcement chief Thomas Homan urged Congress on Tuesday to adopt stricter enforcement policies to discourage unauthorized border crossings, echoing U.S. Attorney General Jeff Sessions' recent assertion of a "zero-tolerance" policy at the border. [Read more »](#)

NATIVE AMERICAN

Feds, Wyo. Urge Justices To Spurn Tribes' Land Suits

The federal government and the state of Wyoming have urged the U.S. Supreme Court to reject challenges to a Tenth Circuit ruling that the Eastern Shoshone and Northern Arapaho tribes' shared reservation was shrunk by a 1905 law, saying the case doesn't present a circuit split or conflict with high court precedent. [Read more »](#)

TELECOMMUNICATIONS

Poor Families Need 'Kid Vid' Programming Rules, Dems Say

A group of Democratic senators has urged the Federal Communications Commission to keep intact its rules governing children's educational programming, saying that low-income households still rely on the free, over-the-air "kid vid" content amid a proliferation of streaming services and other online video sources. [Read more »](#)

FCC Says Justices Need Not Review Spectrum Discount Row

The Federal Communications Commission has urged the U.S. Supreme Court to reject a certiorari petition from two telecom companies that claim they were wrongly denied spectrum license discounts, saying ongoing proceedings the companies themselves requested could render the case moot. [Read more »](#)

Sens. Whose IDs Used In Fake FCC Posts Tell Pai To Fix Site

Two senators, one from each party, have told Federal Communications Commission Chairman Ajit Pai to fix a public commenting system that has let bots produce millions of fraudulent comments under stolen identities — including the identities of the senators themselves. [Read more »](#)

CIVIL RIGHTS

Va. School Can't Shake Trans Student's Bathroom Bias Suit

A Virginia school board that created a policy aimed at keeping a transgender student from using restrooms that match his gender identity will have to face his discrimination claims that made it all the way to the U.S. Supreme Court and back, a federal judge ruled Tuesday. [Read more »](#)

EXPERT ANALYSIS

Shareholder Arbitration Issue Isn't Going Away

In a recent letter to a member of Congress, U.S. Securities and Exchange Commission Chairman Jay Clayton said that he hasn't decided whether mandatory arbitration of shareholder disputes is appropriate, and that exploring the idea is not a priority for him. However, I believe the issue is going to require commission action sooner rather than later, says Kevin LaCroix of RT ProExec. [Read more »](#)

Hidden Challenges In Applying New DOL Break Time Guidance

The U.S. Department of Labor recently released an opinion letter that says breaks taken as part of intermittent leave under the Family and Medical Leave Act do not need to be compensated. However, it contains a troublesome caveat that threatens to destroy any clarity the letter might otherwise bring to the analysis, says Kevin Johnson of Johnson Jackson LLC. [Read more »](#)

Health Tech Is The New Focus For Cybersecurity Policy

Over the last year, government reports, enforcement actions and new regulatory proposals have thrown health care technology into the limelight. While the Health Insurance Portability and Accountability Act is already

one of the country's most robust privacy and security laws, the government is seeking to fill some significant gaps in regulation, says Elliot Golding of Squire Patton Boggs. [Read more »](#)

LEGAL INDUSTRY

Analysis

Del. Faces IP Surge, Bench Gaps On TC Heartland's Birthday

One year after the U.S. Supreme Court's TC Heartland ruling steered hundreds of new patent cases to Delaware from Texas and other states, federal judges and attorneys are patently scrambling to manage the surge with fewer resident judges. [Read more »](#)

New England's Bernstein Shur Updates Parental Leave Policy

New England-based law firm Bernstein Shur Sawyer & Nelson PA said Tuesday it has implemented a new parental leave policy that allows 16 weeks of paid leave for attorneys regardless of their gender, making no distinction between primary and secondary caregivers. [Read more »](#)

King & Spalding Draws Rebuke In Bid To Toss Firing Suit

A New York federal judge on Tuesday rejected King & Spalding LLP's bid to escape allegations it fired an associate for raising ethical concerns about two partners, saying at a hearing she found it "incredibly hard" to buy the firm's stated reasons for terminating him. [Read more »](#)

Eagan Avenatti Owes Ex-Partner \$10M From Bankruptcy Deal

A California bankruptcy judge on Tuesday entered a \$10 million judgment against defunct class action law firm Eagan Avenatti LLP — which is owned by Michael Avenatti, the attorney representing adult film actress Stormy Daniels in her legal battle against President Donald Trump — finding the firm defaulted on

its bankruptcy-resolving settlement with a former partner over allegedly unpaid fees. [Read more »](#)

NY Lawmakers Tap Interim AG Underwood To Finish Term

Acting New York Attorney General Barbara D. Underwood was tapped Tuesday by the state legislature to serve out the remainder of Eric Schneiderman's term after he resigned earlier this month amid allegations of physical abuse by four women. [Read more »](#)

Legal Tech Download: Reed Smith, Norton Rose, Bryan Cave

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at six recent developments. [Read more »](#)

JOBS

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VP, State Relations

Lincoln Financial Group

Washington DC, District of Columbia

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From: Ohio Arts Council

Sent: Thursday, May 24, 2018 10:08 AM

To: Rep48

Subject: May | Governor's Awards Photos, Individual Excellence Awards & more

Keep up to date on Ohio Arts Council news, grant deadlines, and more.

[View this email in your browser](#)

Share your story with #ArtsOhio



**OHIO CELEBRATES, WORKS, AND
NEVER RESTS ON OUR LAURELS**



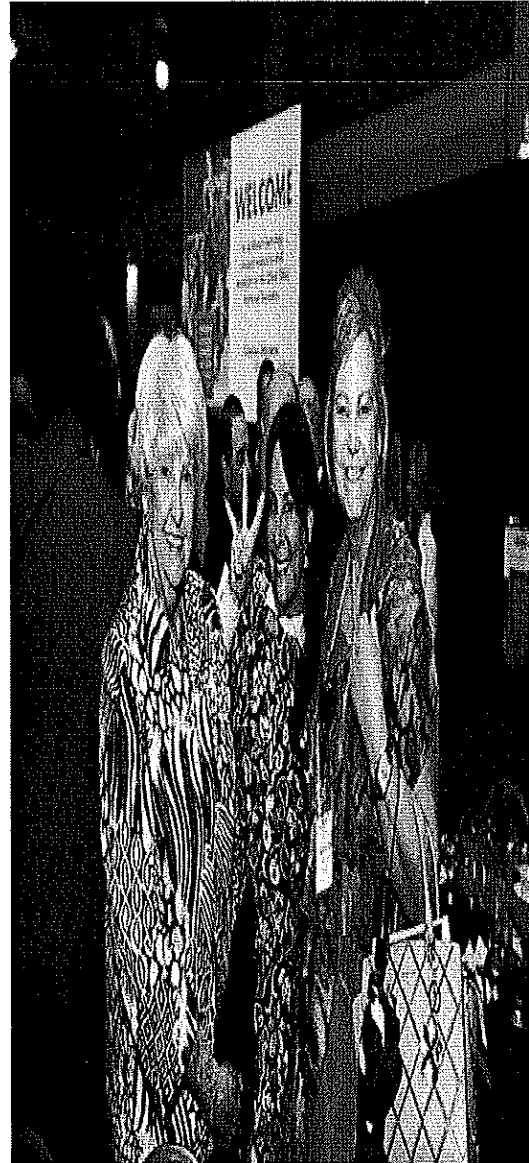
2018 Governor's Award for Community Development and Participation winner Sierra Leone and Ohio Arts Council Executive Director Donna S. Collins.

In this month's Message from the Executive Director, Donna S. Collins discusses the 2018 Governor's Awards for the Arts in Ohio, the National Endowment for the Arts, and more agency updates.

READ DONNA'S MESSAGE

**THANK YOU FOR A FANTASTIC
GOVERNOR'S AWARDS CELEBRATION!**





Congratulations to the nine winners who were honored for their contributions to the arts in Ohio at the annual Arts Day & Governor's Awards luncheon and awards ceremony on May 16 at the Columbus Athenaeum!

[WATCH THE FULL PROGRAM HERE](#)



**National
Endowment
for the Arts**
nearts.gov

OHIO RECEIVES SECOND- LARGEST NEA PARTNERSHIP AGREEMENT GRANT FOR 9TH STRAIGHT YEAR

The OAC received \$995,800 to help support arts initiatives throughout the state.

[READ MORE](#)

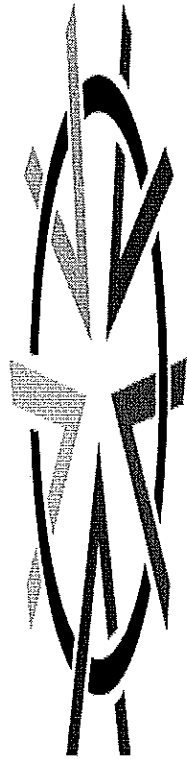


STUDENT-COMPOSED SONGS SING SUCCESS OF TEACHING ARTIST RESIDENCY

As part of a TeachArtsOhio teaching artist residency, the Midview High School songwriting class has been working with Cleveland songwriter Brent Kirby to produce "Living in the Moment," a CD featuring six songs written entirely by the students.

[READ MORE](#)

OHIO ARTISTS RECEIVE INDIVIDUAL EXCELLENCE AWARDS



Board members of the Ohio Arts Council approved Individual Excellence Awards for state fiscal year 2018 during a public meeting on April 25. The awards recognize creative artists for the exceptional merit of a body of their work that advances or exemplifies the discipline and the larger artistic community.

[READ MORE](#)

Ohio Arts
COUNCIL A STATE AGENCY SUPPORTING
ARTS AND CULTURE

**WATCH: HIGH SCHOOL ARTISTS DISCUSS WORK
FEATURED IN OHIO HOUSE OF REPRESENTATIVES
EXHIBITION**



WATCH THE VIDEO



KENNEDY HEIGHTS COMMUNITY COUNCIL HONORS TUSKEGEE AIRMAN THROUGH ARTWORK

This summer, a monument commemorating Lt. John H. Leahr, a member of the Tuskegee Airmen from Kennedy Heights, Ohio, will be unveiled outside of the Kennedy Heights Arts Center.

[READ MORE](#)



MEET KATHY SIGNORINO, ARTIST PROGRAMS/PERCENT FOR ART COORDINATOR

A lover of spreadsheets, fine arts, and cats, you can find Kathy Signorino at her desk in the Ohio Arts Council's Individual Artist office or traveling around the state for the Ohio Percent for Art program. Learn more about Kathy in this month's Meet the Staff Q&A.

[READ MORE](#)



Art & Accessibility Tip #9: What to know when writing about disability

When writing about people with disabilities, do you ever wonder if you're saying the "right thing"? The National Center on Disability and Journalism has a Disability Language Style Guide to assist you in writing. And remember: When in doubt, put the person first.

For more accessibility ideas from local, regional, or national websites, contact Kim Turner, the accessibility coordinator at the Ohio Arts Council, at kim.turner@oac.ohio.gov.

The Ohio Arts Council believes that everyone has the right of equal access to the arts. Each month, the ArtsOhio newsletter includes an accessibility tip for arts organizations. For additional accessibility resources, visit oac.ohio.gov/About/About-the-Council/Accessibility.

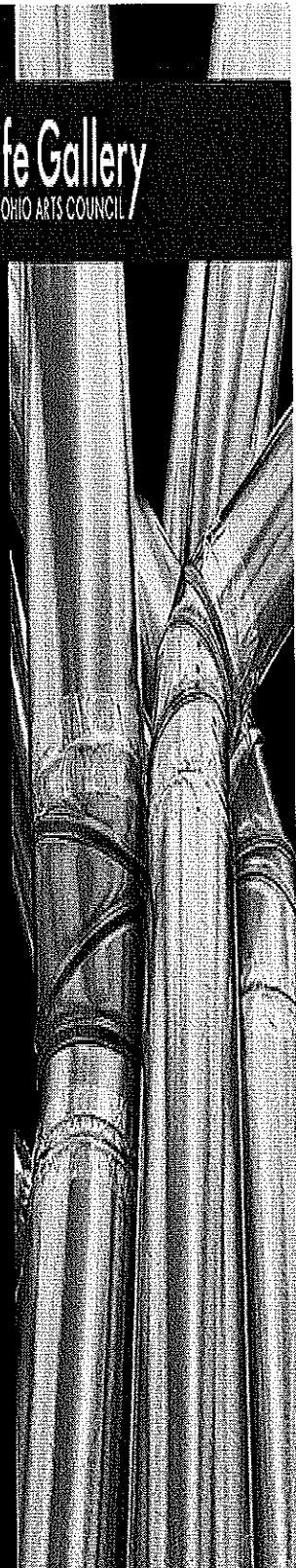
ON VIEW

Riffe Gallery
OHIO ARTS COUNCIL

WOMEN TO WATCH OHIO - 2018

A collaboration with the Ohio Advisory Group of the
National Museum of Women in the Arts

MAY 3 - JULY 7, 2018



WOMEN TO WATCH OHIO - 2018

May 3 - July 7, 2018

Women to Watch Ohio – 2018 showcases the work of 10 Ohio women working with metal through sculpture, installation, jewelry, and two-dimensional works. The exhibition is developed in collaboration with the Ohio Advisory Group of the National Museum of Women in the Arts and is curated by Ann Bremner and Matt Distel. This is the second *Women to Watch Ohio* exhibition initiated by the Ohio Advisory Group and the first to encompass mid-Ohio as well as the northeast and southwest regions of the state.

[READ MORE](#)

COMING SOON

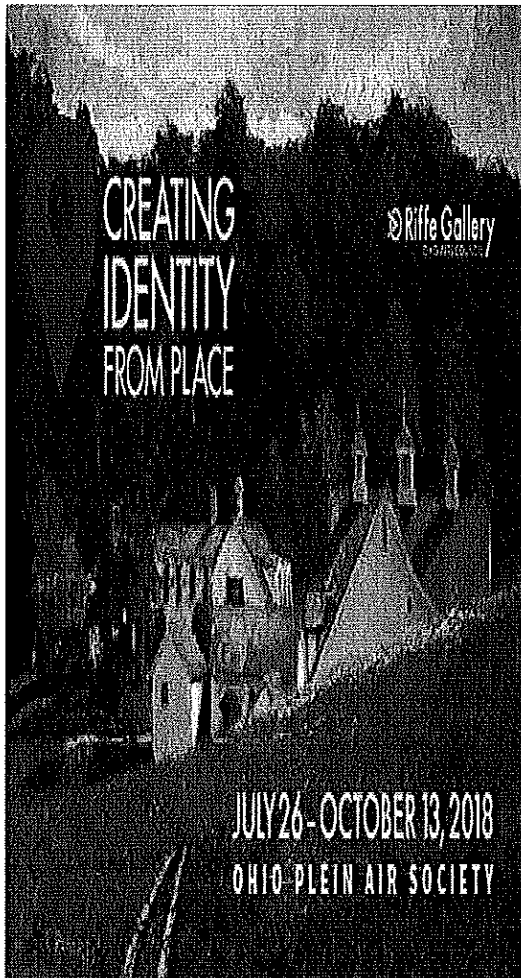
**LOBBY EXHIBITION:
ACCESSIBLE
EXPRESSIONS OHIO, VSA
OHIO**

June 13 - July 11, 2018

Started in 1996, *Accessible Expressions Ohio* is an adjudicated, statewide exhibition and tour of visual art for artists of all ages with disabilities. This professional development opportunity helps raise awareness about art and disability by presenting the art in inclusive settings.

[READ MORE](#)





CREATING IDENTITY FROM PLACE

July 26 - October 13, 2018

Creating Identity from Place: Ohio Plein Air Society is an exhibition of 73 paintings and drawings created from direct observation in nature. Curated by Artistic Director Charlotte Gordon, Southern Ohio Museum, this exhibition of Midwestern landscapes is a reflection on the everyday beauty of Ohio.

[READ MORE](#)

FOR ORGANIZATIONS | Grants & Opportunities

JUNE 1: Capacity Building, Building Cultural Diversity, and Artists with Disabilities Access Program (ADAP) Grant Applications Due

The Capacity Building program supports organizations' efforts to improve business practices or add new knowledge and skills that forward organizations' missions. Awards may fund technical assistance projects, planning or evaluation work, staff professional development opportunities, or other initiatives that upgrade an organization's ability to do what they do.

[READ MORE](#)

The Building Cultural Diversity program supports new and emerging organizations whose mission, programs, staff, and board represent culturally diverse communities. Awards support arts programming and projects that celebrate communities' unique arts and culture or preserve a culturally significant artistic tradition or practice.

[READ MORE](#)

ADAP provides funding that gives individual artists with disabilities—and organizations that serve them—the resources they need to further their artistic development. ADAP awards help artists with disabilities advance their artistic practices, making Ohio a more accessible and inclusive place to build an artistic career.

[READ MORE](#)

CONTACT: Brianna Dance and Jim Szekacs, Organizational Programs Coordinators

FOR STUDENTS AND EDUCATORS | *Poetry Out Loud*



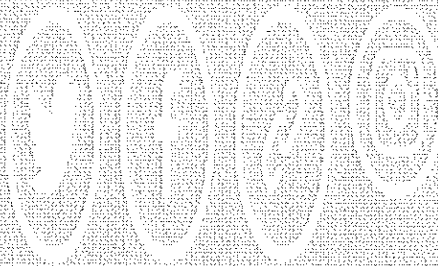
Poetry Out Loud Registration is Now Open

Ohio Poetry Out Loud registration is open for the 2018-19 competition! Poetry Out Loud encourages students to learn about great poetry through memorization and recitation.

REGISTER TODAY

CONTACT: Chiquita Mullins Lee, Arts Learning Coordinator

Image credits: 1) 2018 Governor's Award for Community Development and Participation winner Sierra Leone and Ohio Arts Council Executive Director Donna S. Collins, photo by Terry Gilliam; 2) 2018 Governor's Awards winners, (left) Crystal Michelle, Ro Nita Hawes-Saunders, Amy Held, Ricardo Averbach, Sierra Leone, Scott McComb, Marsha Dobrzynski, Howard Parr, Mimi Rose, Stuart Rose, David Mitzel, photos by Terry Gilliam; 3) National Endowment for the Arts logo; 4) "Living in the Moment" album cover, photo courtesy of Justin Caithaml, Midview Local Schools; 5) Ohio Arts Council logo; 6) Ohio House of Representatives Student Art Exhibition video screenshot; 7) Lt. John Lehr memorial concept sketch, photo courtesy of Jarrett Hawkins; 8) Meet the Staff graphic; 9) Art and Accessibility graphic; 10) Women to Watch Ohio - 2018 post card, image credit: Carol Boram-Hays, WHOOSH (detail), 2017, steel, duct tape, 114" x 80" x 48"; 11) Kerri Applin, Grandpa's Flapjacks, air dry clay, acrylic paint; 12) Robin Roberts, An Evening at Malabar Farm, 2016, Oil on canvas, 15 1/2" x 19 1/2"; 13) Ohio Poetry Out Loud logo



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Columbus, OH 43215-3414

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From: Public Policy Law360
Sent: Friday, May 25, 2018 3:53 AM
To: Rep48
Subject: Trump Picks For 5th Circ., Texas Seats Advance



Friday, May 25, 2018



TOP NEWS

Trump Picks For 5th Circ., Texas Seats Advance

Controversial nominations for the Fifth Circuit and judicial posts in Texas and Louisiana advanced to the full Senate on Thursday, over objections from Democrats over their records on environmental rules, abortion rights and past statements. [Read more »](#)

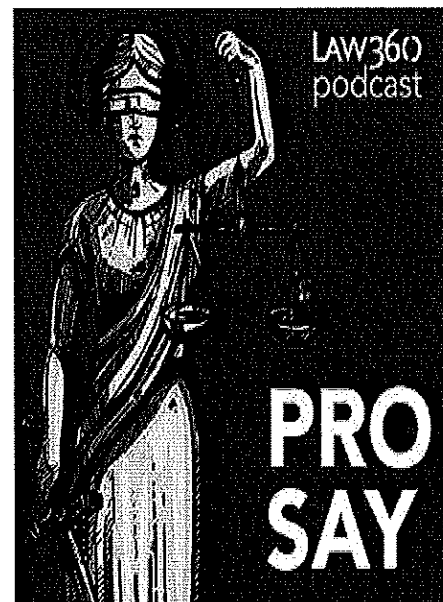
Del. Judge Won't Rethink Nixing Judicial Political Balance Law

A Delaware federal judge refused to reconsider a ruling that handed a win to an attorney who challenged a Delaware statute that requires its judicial bench to have a balance of political parties, finding that the state's Gov. John Carney was trying to make arguments he never made in previous briefings. [Read more »](#)

Analysis

Car Wars: Trump's Latest Flex Will Test Bounds Of Trade Law

President Donald Trump's newly launched probe of national security threats posed by car imports has sent shockwaves through the trade bar and teed up a clash over the scope of an already controversial Cold War-era law that has emerged as a linchpin for the



[Listen to our new podcast here](#)

LAW FIRMS

Bair Hilty
Baker McKenzie
Barnhouse Keegan
Chiesa Shahinian
Cohen Milstein
Cooley
Davis Polk
Eversheds Sutherland

administration's trade enforcement regime.
Read more »

Analysis

SALT Cap Enforcement May Mean Years Of Tax Limbo

The U.S. Treasury Department is positioning itself to challenge states' attempts to help constituents bypass the new federal limit on tax deductions, and taxpayers can expect years of uncertainty if the two sides — each facing difficulties justifying their viewpoints — go to court. Read more »

Feature

Some Contention Remains As House Panel OKs Defense Bill

The \$717 billion defense bill passed by the House on Thursday includes a number of contentious proposals, covering issues such as funding for high-profile acquisition programs and the president's planned military parade, as well as seeking to shake up the structure of U.S. Department of Defense agencies. Read more »

5th Circ. Tosses Suit Over Body Cavity Searches At Border

The Fifth Circuit ruled Wednesday that an American citizen who was subjected to intrusive body cavity searches while crossing the southern border cannot sue the state medical staff who conducted the exams, finding that their conduct did not violate clearly established law at the time. Read more »

BANKING & SECURITIES

Senate Confirms Trump's Pick To Lead FDIC

The Senate confirmed President Donald Trump's choice of a Fifth Third Bancorp executive to head the Federal Deposit Insurance Corp. on Thursday, rounding out Trump's appointments to major financial regulators. Read more »

Finger & Slanina
Foley & Lardner
Harrigan Leyh
Harris Wiltshire
Hobbie Corrigan
Hogan Lovells
Jenner & Block
Jones Day
Kellogg Hansen
Kemp Smith
Kirkland & Ellis
McDonald Carano
McDonald Hopkins
Meyer Glitzenstein
Orgain Bell
Petrillo Klein
Polsinelli
Priddy Cutler
Proskauer Rose
Quarles & Brady
Quinn Emanuel
Ropes & Gray
Rosette LLP
Sanford Heisler
Seyfarth Shaw
Shook Hardy
Skadden
Squire Patton Boggs
Thompson Coe
Thompson Hine
Wachtell Lipton
Wilkinson Walsh
WilmerHale
Womble Bond Dickinson
Wright & Close LLP
Young Conaway

COMPANIES

21st Century Fox Inc.

ENERGY & ENVIRONMENTAL

EPA Extends Comment Period On Scientific Review Revamp

The U.S. Environmental Protection Agency announced on Thursday that it is extending the public comment period on a controversial proposal to require the publication of data underlying scientific studies that are considered when promulgating regulations, and will also hold a public hearing on the matter. [Read more »](#)

Enviros Challenge Feds' About-Face On Migratory Bird Kills

Environmental groups launched challenges in New York federal court on Thursday to the federal government's recent decision not to criminally prosecute individuals and companies for accidentally killing or injuring migratory birds, a move that departs from decades of precedent. [Read more »](#)

MEDIA & ENTERTAINMENT

Grape Commission Ads Are Gov't Speech, Calif. Justices Say

The California Supreme Court on Thursday ruled that advertisements by the California Table Grape Commission constituted government speech, affirming lower court decisions to toss a suit from farmers who said they shouldn't have to pay for ads that contradict the message they want to spread about their grapes. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

NJ Justices To Review Atty Role In Turnpike Suit Notice

The New Jersey Supreme Court has agreed to review a state appellate opinion that denied a widow the ability to sue the state's Turnpike Authority over a crash that killed her husband

AT&T Inc.
Activision Blizzard, Inc
Amazon.com Inc.
American Bar Association
American Cable Association
Caterpillar Inc.
Center for Biological Diversity Inc.
CenturyLink Inc.
Comcast Corporation
Elliott Management Corp.
Energy Future Holdings
Epic Systems Corp.
Ernst & Young
Fifth Third Bancorp
Fordham University
Gazprom
General Electric Company
Grant Thornton LLP
Huawei Technologies
Kaufman Rossin & Co.
Ketchum Inc.
Massachusetts Bay Transportation Authority
Moody's Corporation
Murphy USA Inc.
NBCUniversal Inc.
National Association of State Regulatory Utility Commissioners
National Collegiate Athletic Association
National Telephone Cooperative Association
National Wildlife Federation
Natural Resources Defense Council
Planned Parenthood Federation
S.A.C. Capital Advisors LP
Sabine Oil & Gas Corp.
Sky PLC

and daughter because her first attorney had failed to notify the agency of the claim in a timely manner. [Read more »](#)

EMPLOYMENT

Ky. Gov. Fires Back At AG In Suit Over Teachers' Pensions

Kentucky Gov. Matt Bevin took his latest shot at the state's attorney general on Wednesday in their ongoing court battle over a law that alters teachers' pensions, telling a Kentucky state judge that Andy Beshear's argument is based on a "nonsensical, fiscally irresponsible and legally unjustifiable" theory. [Read more »](#)

COMPETITION

EU Hits Gazprom With Antitrust Conditions

The European Union's antitrust enforcer said Thursday that after a six-year investigation it has imposed various conditions on Gazprom over concerns the Russian state-owned gas giant abused its dominance of central and eastern European gas markets. [Read more »](#)

Cable Group Sounds Alarm Over Possible Comcast-Fox Deal

A group representing cable providers cried foul Wednesday at Comcast's bid to buy 21st Century Fox assets already promised to Walt Disney Co., warning that the deal could doubly hurt the market now that prior conditions on Comcast's acquisition of NBCU have expired. [Read more »](#)

CYBERSECURITY & PRIVACY

Lawmakers Ramp Up Push To Expand Privacy Rules For Kids

A bipartisan group of U.S. lawmakers on Wednesday renewed a long-running push to update the Children's Online Privacy Protection Act to extend certain restrictions on the collection and use of personal information to

Space Exploration Technologies Corp.

The Walt Disney Co.

Twitter Inc.

U.S. Chamber of Commerce

United States Telecom Association

VEON Ltd.

Valeant Pharmaceuticals International

Vannin Capital PCC

Werner Enterprises Inc.

ZTE Corp.

GOVERNMENT AGENCIES

AbilityOne Commission

Arizona Supreme Court

Bureau of Reclamation

California Department of Food and Agriculture

California Public Utilities Commission

California Supreme Court

Commonwealth of Kentucky

Confederated Tribes and Bands of the Yakama Nation

Defense Information Systems Agency

Defense Logistics Agency

Department of Commerce

European Commission

European Union

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Reserve System

Federal Trade Commission

Fish and Wildlife Service

cover children as old as 15 and to place limits on the sale of internet-connected devices marketed to children. [Read more »](#)

AEROSPACE & DEFENSE

Senate Sends \$55B VA Reform Bill To Trump

The Senate has overwhelmingly passed a \$55 billion bill that would overhaul how the U.S. Department of Veterans Affairs pays for private care and would also expand the agency's popular caregiver program. [Read more »](#)

Trump Issues Overhaul Of Commercial Space Regulations

President Donald Trump on Thursday signed a directive intended to loosen regulations on commercial space flight, putting responsibility for launch and reentry in the hands of the U.S. Department of Transportation, while making the U.S. Department of Commerce a "one-stop shop" for all other commercial space issues. [Read more »](#)

TAX

IRS' \$11.6B Budget Approved By House Subcommittee

The U.S. House Appropriations Subcommittee on Financial Services and General Government approved \$11.6 billion in funding Thursday for the Internal Revenue Service. [Read more »](#)

Ill. Justices Say Court Couldn't Hear Estate Tax Challenge

The Illinois Supreme Court ruled Thursday that a state circuit court lacked jurisdiction to hear a challenge to the state's retroactive application of its estate tax, overturning an appellate court's finding that sovereign immunity did not bar the circuit court from hearing the case. [Read more »](#)

Illinois Supreme Court
Internal Revenue Service
Klamath Tribes
NAFTA
National Aeronautics and Space Administration
National Labor Relations Board
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
New Jersey Supreme Court
Office of the Comptroller of the Currency
Pennsylvania Supreme Court
Securities and Exchange Commission
Small Business Administration
Texas Attorney General's Office
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Energy
U.S. Department of Justice
U.S. Department of State
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Senate
U.S. Supreme Court
U.S. Tax Court
Upper Skagit Indian Tribe
World Trade Organization

NJ Atty General Vows To Defend SALT Workaround In Court

New Jersey's attorney general told the Internal Revenue Service on Thursday the state would challenge any guidance that could damper legislative attempts to sidestep the new federal tax law's \$10,000 limit on state and local tax deductions. [Read more »](#)

NY Tells 2nd Circ. Native-Owned Tobacco Co. Flouted Tax Law

The state of New York on Tuesday told the Second Circuit that a lower court correctly barred a Native American-owned tobacco maker's bulk sales of cigarettes within the state, saying the district court correctly found that the sale of cigarettes without tax stamps violates state tax law. [Read more »](#)

IMMIGRATION

House On Cusp Of Passing Immigration Discharge Petition

The U.S. House of Representatives is on the cusp of approving a bipartisan discharge petition that would send four immigration bills to the floor for consecutive votes, short just two Republican signatories to reach the required 218 backers as of Thursday. [Read more »](#)

Dems Urge Sessions To Uphold Asylum Seeker Protections

Senate Democrats penned a letter to U.S. Attorney General Jeff Sessions on Wednesday urging him to uphold a Board of Immigration Appeals decision that has allowed certain crime victims seeking refuge in the U.S. to qualify after being recognized as part of a social group, arguing that it would secure critical protections for LGBTQ groups. [Read more »](#)

NATIVE AMERICAN

Klamath Tribes Sue Over Fish Harmed By Lake Water Levels

The Klamath Tribes filed suit in California federal court on Wednesday against federal agencies including the U.S. Bureau of Reclamation alleging they aren't maintaining proper water levels for the Upper Klamath Lake, causing harm to two species of endangered fish vital to the tribes' culture. [Read more »](#)

TELECOMMUNICATIONS

FCC Plan To Limit Call-Connection Charges Gets Early Praise

The Federal Communications Commission's new plan covering intercarrier compensation methods has garnered early support from CenturyLink Inc. and NTCA-The Rural Broadband Association, on the heels of an announcement last week that the agency will seek to root out billing practices used by phone carriers to inflate call-connection charges. [Read more »](#)

FCC Urged To Extend Comment Period On Wireline Co. Rules

The Federal Communications Commission has received more than a dozen requests as of Thursday from state-level regulators and consumer and industry advocates for more time to weigh in on a bid by legacy wireline companies to escape Clinton-era rules requiring them to share their networks with upstart competitors. [Read more »](#)

WHITE COLLAR

Ex-Trump Adviser To Be Sentenced In Russia Probe

Former Trump campaign adviser George Papadopoulos has agreed with Special Counsel Robert Mueller to proceed to sentencing for making false statements to the FBI, a move white collar attorneys say means Papadopoulos' cooperation with the special counsel is probably complete. [Read more »](#)